

the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on World War Veterans' Legislation. H. R. 6069. A bill to amend section 100 of the Servicemen's Readjustment Act of 1944; without amendment (Rept. No. 2076). Referred to the Committee of the Whole House on the State of the Union.

Mr. SABATH: Committee on Rules. House Resolution 625. Resolution providing for the consideration of H. R. 1362, a bill to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes; without amendment (Rept. No. 2077). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 626. Resolution providing for the consideration of S. 752, an act to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes; without amendment (Rept. No. 2078). Referred to the House Calendar.

Mr. COX: Committee on Rules. House Resolution 627. Resolution providing for the consideration of H. R. 6035, a bill to provide that there shall be no liability for acts done or omitted in accordance with regulations of the Director of Selective Service, and for other purposes; without amendment (Rept. No. 2079). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Concurrent Resolution 148. Concurrent resolution creating a joint select committee to study and recommend legislation concerning labor relations; without amendment (Rept. No. 2082). Referred to the House Calendar.

Mr. RANKIN: Committee on World War Veterans' Legislation. H. R. 6153. A bill to remove the existing limitation on the number of associate members of the Board of Veterans' Appeals in the Veterans' Administration; with amendment (Rept. No. 2083). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUNKER:

H. R. 6485. A bill to amend section 3 (a) of the Securities Act of 1933, as amended, relating to exempted securities; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT:

H. R. 6486. A bill to authorize an appropriation for the establishment of a geophysical institute at the University of Alaska; to the Committee on the Territories.

By Mr. HAND:

H. R. 6487. A bill to amend the Internal Revenue Code, act of February 10, 1939; to the Committee on Ways and Means.

By Mr. BLAND:

H. R. 6483: A bill to amend the act to provide for the issuance of devices in recognition of the services of merchant sailors; to the Committee on the Merchant Marine and Fisheries.

By Mr. CURTIS:

H. J. Res. 355. Joint resolution extending for 7 months the period of time during which alcohol plants are permitted to produce sugars or sirups simultaneously with the production of alcohol; to the Committee on Ways and Means.

By Mr. SADOWSKI:

H. J. Res. 356. Joint resolution to provide for making available to the Veterans' Administration, for distribution to veterans' hospitals, undeliverable magazines and other periodicals held by the postal service; to the committee on the Post Office and Post Roads.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FARRINGTON:

H. R. 6489. A bill for the relief of Mrs. Keum Nyu Park; to the Committee on Immigration and Naturalization.

H. R. 6490. A bill for the relief of Mrs. Seiko Adachi; to the Committee on Immigration and Naturalization.

H. R. 6491. A bill for the relief of Kiyochi Koide; to the Committee on Immigration and Naturalization.

By Mr. HAND:

H. R. 6492. A bill for the relief of James I. Adams; to the Committee on Claims.

H. R. 6493. A bill for the relief of Herschel W. Carlise; to the Committee on Claims.

By Mr. HAVENNER:

H. R. 6494. A bill for the relief of Chin Ta Bin; to the Committee on Immigration and Naturalization.

By Mr. HENDRICKS:

H. R. 6495. A bill for the relief of William F. Thomas; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1897. By Mr. MUNDT: Petition of Mrs. Joe Fergen and other citizens of Parkston, S. Dak., protesting against enactment of legislation providing for peacetime military conscription; to the Committee on Military Affairs.

## SENATE

TUESDAY, MAY 21, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Almighty God, who hast bidden the light of the day to shine out of the darkness of the night, we would still our hearts for this hallowed moment as we bow for the benediction of Thy loving kindness in the morning; for

"New mercies each returning day  
Hover around us while we pray."

Grant us this day the grace to live on the altitudes of our aspirations. As servants of Thine and of the peoples of this shattered earth, stricken, bleeding, starving, save us from false choices and guide our hands and minds to heal and bind and build and bless. We ask it in the dear Redeemer's name. Amen.

#### THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, May 20, 1946, was dispensed with, and the Journal was approved.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 1305) to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1163) to provide for the appointment of one additional district judge for the northern district of California.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1095. An act for the relief of the Indians of the Fort Berthold Reservation in North Dakota;

H. R. 1751. An act to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 20 persons at a time from the American Republics, other than the United States;

H. R. 2033. An act authorizing Federal participation in the cost of protecting the shores of publicly owned property;

H. R. 2231. An act to authorize the Secretary of the Interior to adjust debts of individual Indians, associations of Indians, or Indian tribes, and for other purposes;

H. R. 2678. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, and for other purposes;

H. R. 2788. An act to limit the time during which certain actions under the laws of the United States may be brought;

H. R. 3843. An act to provide for the disposition of tribal funds of the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana;

H. R. 4497. An act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes;

H. R. 5911. An act to establish an Office of Naval Research in the Department of the Navy; to plan, foster, and encourage scientific research in recognition of its paramount importance as related to the maintenance of future naval power, and the preservation of national security; to provide within the Department of the Navy a single office, which, by contract and otherwise, shall be able to obtain, coordinate, and make available to all bureaus and activities of the Department of the Navy, world-wide scientific information and the necessary services for conducting specialized and imaginative research, to establish a Naval Research Advisory Committee consisting of persons preeminent in the fields of science and research, to consult with and advise the Chief of such Office in matters pertaining to research;

H. R. 6057. An act to amend the act of July 11, 1919 (41 Stat. 132), relating to the interchange of property between the Army and the Navy, so as to include the Coast Guard within its provision;

H. R. 6343. An act to authorize the Secretary of War to lend War Department equipment for use at the twenty-eighth annual national convention of the American Legion;

H. R. 6372. An act to amend the Federal Credit Union Act; and

H. R. 6428. An act making appropriations for the Coast Guard, Treasury Department, for the fiscal year ending June 30, 1947, and for other purposes.

REPORT ON PARIS MEETING OF COUNCIL OF FOREIGN MINISTERS

Mr. VANDENBERG obtained the floor.

Mr. HILL. Mr. President, will the Senator from Michigan yield in order that I may suggest the absence of a quorum?

Mr. VANDENBERG. I yield.

Mr. HILL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore (Mr. GEORGE). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Pepper
Austin	Hayden	Radcliffe
Ball	Hickenlooper	Reed
Bankhead	Hill	Revercomb
Barkley	Hoey	Robertson
Brewster	Huffman	Russell
Bridges	Johnson, Colo.	Saltonstall
Briggs	Johnston, S. C.	Smith
Brooks	Kilgore	Stanfill
Buck	Knowland	Stewart
Bushfield	La Follette	Taft
Byrd	Langer	Taylor
Capehart	Lucas	Thomas, Okla.
Capper	McCarran	Thomas, Utah
Connally	McClellan	Tobey
Cordon	McFarland	Tunnell
Donnell	McMahon	Tydings
Downey	Magnuson	Vandenberg
Eastland	Mead	Wagner
Eliender	Millikin	Walsh
Ferguson	Mitchell	Wheeler
Fulbright	Moore	Wherry
George	Morse	White
Gerry	Murdock	Wiley
Green	Murray	Wilson
Gurney	Myers	Young
Hart	O'Mahoney	
Hatch	Overton	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senator from Idaho [Mr. GOSSETT], and the Senator from Pennsylvania [Mr. GUFFEY] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ] and the Senator from Texas [Mr. O'DANIEL] are detained on public business.

Mr. WHERRY. The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The Senator from Nebraska [Mr. BUTLER] and the Senator from Minnesota [Mr. SHIPSTEAD] are absent by leave of the Senate.

The ACTING PRESIDENT pro tempore. Eighty-two Senators having answered to their names, a quorum is present.

Mr. VANDENBERG. Mr. President, when I returned to Washington last Saturday from Paris I had expected to address the Senate in some detail this afternoon regarding the vitally important work of the Council of Foreign Ministers which has just temporarily recessed until June 15. But when I discovered the

status of the Senate Calendar and the urgent necessity for earliest possible action upon pending legislation, I concluded that it would be unwise for me to divert the Senate's attention to another subject, regardless of its paramount concern to every citizen; and when Secretary of State James F. Byrnes made his able radio report to the Nation last night, it was so comprehensive and so adequate that I was confirmed in my decision to let the record stand where he left it for the time being. Therefore I content myself for the moment with this brief observation.

Secretary Byrnes requested the able chairman of the Senate Foreign Relations Committee, the Senator from Texas [Mr. CONNALLY], and myself to accompany him to this meeting of the Council of Foreign Ministers which was summoned primarily to deal with the preparation of peace treaties with Italy, Rumania, Bulgaria, Hungary, and Finland. I am happy to say that this American delegation was a constant unit in thought and action. It had no differences. Thus, I gladly associate myself with the distinguished Secretary's report; and I compliment him upon his able leadership in this critically important enterprise.

Mr. President, the Council was not a success in gaining agreement upon several key questions upon which the solution of our major problems hangs. It did not achieve agreement on a number of controlling points. It is advisable to be entirely frank upon this score. Eastern communism and western democracy were unable, for the time being, to see eye to eye in most of these considerations.

It is unfortunate that greater progress cannot be immediately reported. But delay is preferable to error in such vital matters. We can compromise within the boundaries of a principle. We can no longer compromise principles themselves. That becomes appeasement; and appeasement only multiplies the hazard from which it seeks to escape. History leaves no room for doubt upon that score. The wrong answers will breed wars for tomorrow.

We must earnestly persist in striving for Allied unity; for unity within the principles which serve human rights and fundamental freedoms, which will win the moral judgments of the conscience of the world, and which may promise peace for "keeps." We must persist with patient firmness. We must try to understand each other. I do not despair of the results—particularly if the unselfish voice of America is a united one.

In other directions, Mr. President, the Council was at least a partial success. For example, it amended the armistice terms with Italy, once our enemy, subsequently our ally, to permit larger native autonomy and to allow Italy more readily to recuperate as a self-sustaining member of the family of nations. It succeeded, indeed, in finding common ground in a large area of detailed actions which are involved in the mechanics of reestablished peace. Further, it succeeded in narrowing the area of dispute even in respect to the larger issues. This is progress. All these things I shall be glad to discuss in detail with the Senate at a more appropriate time.

But, in my view, Mr. President, the more important news is that the Council was a complete success in developing, at last, and in disclosing, a positive, constructive, peace-seeking bipartisan foreign policy for the United States. It is based, at last, upon the moralities of the Atlantic and the San Francisco Charters. Yet it is based equally upon the practical necessities required for Europe's rehabilitation.

It is a policy which seeks promptly to end the present inconclusive, armistice regimes which are postponing peace beyond all limits of reason and of safety. It is a policy which demands action in concluding peace treaties not only with Italy, Rumania, Bulgaria, Hungary, and Finland, but also with Austria, which is close to the center of the total, continental problem. It is a policy which demands action in arriving at decisions for a unified Germany where the real core of Europe's recuperation resides, and where the problem must be considered as a whole rather than in four airtight compartments in four zones of military occupation. It is a policy which is definite and specific upon these counts and which demands specific dead-line dates in these regards, before it is too late.

It is a policy which guarantees maximum protections against resurgent Axis aggressors, and which dramatically offers specific guaranties as an earnest of American good faith. It is a demilitarization policy. It is a policy which now substitutes justice for vengeance in these formulas of peace; which now insists upon ethnic recognitions that no longer traffic in the lives and destinies of helpless peoples; and which spurns expansionism as a plague upon tomorrow's peace and security. It is a policy which invites all of our partners in the war—instead of a closed corporation of big powers—to have a proper voice in the making of the treaties and the writing of the peace which result from the common victories which we all helped win. It is a policy which wants a people's peace.

That, Mr. President, is what I think we Americans were trying to do at Paris.

That is what I pray we may yet succeed in doing.

Mr. President, I will support that sort of a foreign policy under any administration; and I hope that any administration, whatever its political complexion, will stick to that sort of a foreign policy for keeps.

This sort of a policy, plus the effective operation of the United Nations, is the way to stop World War III before it starts.

NOTICE OF ADDRESS BY SENATOR CONNALLY

Mr. CONNALLY. Mr. President, I desire to announce that tomorrow, as soon as I can obtain the floor, I shall make a very brief statement about the Paris Conference.

THE PARIS CONFERENCE AND CONDITIONS ON THE DOMESTIC FRONT

Mr. LUCAS. Mr. President, I should like to make public my compliments to the Honorable James F. Byrnes, Secretary of State, the distinguished Senator

from Texas, Mr. Connally, and the distinguished Senator from Michigan, Mr. Vandenberg, upon the unified progress which has been made by this American delegation in the meeting held in Paris.

Last evening, it was my good fortune to hear a Nation-wide radio address by our Secretary of State. I think that all those who heard or read that speech will agree with me that it truly breathes and typifies the real spirit of America. It informed the American people that our American representatives on the mission acted above partisanship; acted along the true lines of democracy in an effort to persuade the world toward the principles of negotiation and toward the ideals of peace.

The premise laid down by the eminent Secretary of State was fully agreed to on the floor of the Senate in the remarkable and thought-provoking speech made by the able Senator from Michigan. But as I listened to those two addresses, I kept wondering how much further this American delegation could have gone in their noble purposes if we at home had been thoroughly united in our reconversion problems and were moving speedily down the highway to an unheralded peace of progress and prosperity.

I kept thinking to myself, What a tolerant and generous man the Secretary of State really is. I confess that I do not know whether I could have been as patient as he with the Americans whom he was representing.

Not once did he reproach us with having cut the ground from under his feet. Not once did he reproach us for our utter failure to work out our economic problems in this reconversion period while he was attempting to work out the delicate questions of world treaties, world peace, arbitration, all the machinery which must be set going if we are to escape another war.

We as a people sent Secretary of State Byrnes, Senator Connally, and Senator Vandenberg to Europe to establish these things. Over and over again the American people have said to these ambassadors of good will and peace, "We want the American kind of democracy; we want to impress upon the nations of the world our ideals of compromise and arbitration; we want them to understand the principles of an American way of life. We would like to see that established in every section of the world."

Then, the minute they start to urge these ideals on the nations of the Old World, we proceed here in America to do all we can to show that these ideals are not working. We follow with one labor dispute after another, which threaten the whole Nation with paralysis. We ask these men in Paris to preach peace, to preach the immorality of strife, while we at home are showing that we do not practice what we preach. We have reached the point in this country described by the late Justice Brandeis, when, in an important opinion, he said:

The conditions developed in industry may be such that those engaged in it cannot continue their struggle without danger to the community.

He further said that it was not the function of the courts to set the limits of permissible contest and to declare the duties which the new situation demands. He said:

This is the function of the legislature, which, while limiting individual and group rights of aggression and defense, may substitute processes of justice for the more primitive method of trial by combat.

Mr. President, in this, the most serious economic crisis in all our history, we are practically allowing management and labor to settle their quarrels by combat—a combat that will, if allowed to go on, have a devastating effect upon our ideals, our property, our welfare, our health, and our safety.

The victims of this kind of economic dispute, if carried to its bitter end, will be the weak and the sick, instead of the strong; the women and the children, instead of the young men; the aged instead of the virile. A continued coal strike and a railroad strike, paralyzing the Nation, will wreck our economy and our homes.

If I had been Secretary Byrnes, I confess I would have been sorely tempted last night to ask the public, "How do you suppose the United States looked to the small nations of the world when I was urging the free and untrammelled way of life; when I was telling them about the democracy that exists in this America of ours; when I was attempting to substitute arbitration and collective bargaining for despotism or collectivism?"

Mr. President, in this last crisis we have really gone to great lengths to prove that democracy cannot work, that arbitration will not succeed, that the people as a whole are helpless when ruthless men set out on a career of rule or ruin.

It would indeed be interested to know what the real reaction of Molotov, of Russia, and his followers was to the pleas of our delegates, when they compared the American plea or proposal to what was actually stirring on the domestic economic front in America. I wonder what the other foreign delegates thought about our economy, which is being throttled at this moment by ruthless men who apparently do not believe in the processes of democratic negotiation and collective bargaining. The American people have repeatedly asked Secretary Byrnes to tell the small nations that by following the United States of America they would be freer and have more liberty. We asked him to sound the gospel of free enterprise throughout the world. Then we demonstrate practically how free enterprise is bent upon committing suicide.

Mr. President, say what you may, these strikes in America are doing more harm to our peaceful and good relationships with our world neighbors than any one thing which has happened in a long, long time. I submit that unless we soon place our own house in order we will have little or no right to advise the rest of the world what should or should not be done. Nations who have had complete confidence in us in the past will soon be leaving us. They will accept communism or some other form of government different from the one in which you and I are so vitally

concerned. Small nations do not like communism. They want to avoid it if they can. If they see hope elsewhere, they will avoid it. They would like a democracy, but when a democracy means turmoil, the threat of paralysis, the collapse of freedom every time capital or labor—and now it is one and now it is another—makes up its mind to have its own way regardless of the public interest, they become disillusioned and disappointed in the so-called American way of life.

Mr. President, I hope that when the American delegation returns to Paris in the very near future to settle the peace problems of the world, our economic troubles and ills will be solved, and that we may become strongly entrenched and united on our domestic front. I pray that our representatives may be able to say at that peace conference: "America once again is internally united. America is vigorous, America is strong. We are now in a position to exert the leadership that the world expects."

#### LEAVE OF ABSENCE

Mr. BROOKS. Mr. President, I find it necessary to leave the city this afternoon, and I ask unanimous consent to be absent for the remainder of the week.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the leave is granted.

Mr. BROOKS. Now I should like to make an explanation. The purpose for which I am leaving is my desire to attend the Republican State Convention in the State of Illinois. I have been here constantly, I have answered every quorum call, and I wanted to vote on the bill, and desire to do so now, and apparently I shall still be back in time to vote on it.

#### TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 20, 1946, he presented to the President of the United States the enrolled bill (S. 1415) to increase the rates of compensation of officers and employees of the Federal Government, and for other purposes.

#### EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters which were referred as indicated:

#### SUPPLEMENTAL ESTIMATES, DEPARTMENT OF COMMERCE—(S. Doc. No. 185)

A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Department of Commerce, amounting to \$53,749,000, fiscal year 1947 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

#### SUSPENSION OF DEPORTATION OF ALIENS

A letter from the Attorney General, transmitting, pursuant to law, a report reciting the facts and pertinent provisions of law in the cases of 99 individuals whose deportation has been suspended for more than 6 months by the Commissioner of Immigration and Naturalization Service under the authority vested in the Attorney General, together with

a statement of the reason for such suspension (with an accompanying report); to the Committee on Immigration.

#### PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A petition of sundry citizens of the United States, members of National Maritime Union and of the steamship *Eufaula Victory*, praying for the continuation of the Office of Price Administration; to the Committee on Banking and Currency.

A resolution adopted at a mass meeting of citizens of South Jersey, at Camden, N. J., favoring continuation of the Office of Price Administration without crippling amendments; to the Committee on Banking and Currency.

#### AMENDMENT OF EMERGENCY PRICE CONTROL AND STABILIZATION ACTS OF 1942—PETITION

Mr. CAPPER. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a telegram I have received from Lester D. Watrous, of Wichita, Kans., urging favorable action by the Senate of House bill 6042, to amend the Emergency Price Control and Stabilization Acts of 1942.

There being no objection, the telegram was received, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

WICHITA, KANS., May 20, 1946.

Senator ARTHUR CAPPER,  
Senate Office Building,  
Washington, D. C.:

Please help every businessman, stockman, and grain grower in the State of Kansas by supporting H. R. 6042 to secure relief from oppressive OPA. In my business I contact 200 outstanding merchants in the Middle West and without exception they favor legislation that will bring relief from the maladministration of OPA which can be beneficial if stripped of its czaristic and bureaucratic provisions. I earnestly appeal to you to bring relief to all types of business so we may have sensible approach to much needed production.

LESTER D. WATROUS.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Public Lands and Surveys:

H. R. 3966. A bill authorizing the Secretary of the Interior to convey certain lands situated in Clark County, Nev., to the Boulder City Cemetery Association for cemetery purposes; without amendment (Rept. No. 1365).

By Mr. BARKLEY, from the Committee on the Library:

S. J. Res. 154. Joint resolution to establish the Andrew Johnson Memorial Commission to formulate plans for the preservation of the birthplace, at Raleigh, N. C., of Andrew Johnson, seventeenth President of the United States; with an amendment.

By Mr. MURDOCK, from the Committee on Banking and Currency:

H. R. 4590. A bill to authorize the use by industry of silver held or owned by the United States; with amendments (Rept. No. 1366).

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FULBRIGHT:

S. 2220. A bill to authorize the United States Park Police to make arrests within Federal reservations in the environs of the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. MAGNUSON:

S. 2221. A bill authorizing a per capita payment of \$100 each to the Colville Indians of the State of Washington; to the Committee on Indian Affairs.

By Mr. KILGORE:

S. 2222. A bill to amend sections 812 and 861 of the Internal Revenue Code so as to allow the deduction of the amounts of testamentary gifts to veterans' organizations in determining the net estates of decedents subject to Federal estate taxes; to the Committee on Finance.

By Mr. KILGORE (for himself, Mr. ANDREWS, Mr. REVERCOMBE, Mr. STANFILL, and Mr. MURDOCK):

S. 2223. A bill to establish and effectuate a policy with respect to the creation or chartering of certain corporations by act of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. ELLENDER (by request):

S. 2224. A bill for the relief of John E. Peterson, James M. Hiler, Vivian Langemo, Floy Sibrie, and Ross Lee Brown; to the Committee on Claims.

#### ATTENDANCE OF MARINE BAND AT NATIONAL CONVENTION OF UNITED SPANISH WAR VETERANS IN MILWAUKEE, WIS.—AMENDMENTS

Mr. LA FOLLETTE. Mr. President, there is pending on the calendar Order of Business No. 1263, House bill 5641, to authorize the attendance of the Marine Band at the national convention of the United Spanish War Veterans to be held in Milwaukee, Wis., August 4 to 10, inclusive, 1946, heretofore reported from the Naval Affairs Committee. I ask unanimous consent to submit amendments to that bill and that they lie on the table. I ask further unanimous consent that the amendments may be considered as pending to that bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT OF EMERGENCY PRICE CONTROL AND STABILIZATION ACTS OF 1942—AMENDMENT

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to the bill (S. 2028) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which was referred to the Committee on Banking and Currency and ordered to be printed.

#### FARMERS' HOME CORPORATION BILL OF 1946—AMENDMENT

Mr. WHEELER submitted an amendment intended to be proposed by him to the bill (H. R. 5991) to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by transferring assets to the Farmers' Home Corporation, by enlarging the powers of the Farmers' Home Corporation, by authorizing Government insurance of loans to farmers, by creating preferences for loans and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to

the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes, which was ordered to lie on the table and to be printed.

#### EVACUATION CLAIMS COMMISSION—CHANGE OF REFERENCE

Mr. ELLENDER. Mr. President, on April 29 I introduced Senate bill 2127, to create an Evacuation Claims Commission under the general supervision of the Secretary of the Interior, and to provide for the powers, duties, and functions thereof, and for other purposes, which was referred to the Committee on Claims. The Committee on Claims gave the bill attention, and the committee as a whole feels that the bill should have been referred to the Committee on the Judiciary of the Senate rather than to the Committee on Claims. I spoke to the Senator from Nevada [Mr. McCARRAN], the chairman of the Committee on the Judiciary and he is inclined to agree with me.

Therefore, Mr. President, I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on the Judiciary.

THE ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### GERMANENESS OF DEBATE—PROPOSED AMENDMENT TO RULES

Mr. HATCH. Mr. President, I ask unanimous consent to submit a resolution which has been in my desk for several months, and I ask that it be read.

The ACTING PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 271), as follows:

*Resolved.* That paragraph No. 1, rule XIX of the Standing Rules of the Senate (relating to debate) be, and the same is hereby, amended by adding a new subparagraph as follows:

"During the consideration of any measure as unfinished or pending business, while any motion or amendment (except a substitute for such measure) is pending, no debate shall be in order, unless by unanimous consent, that is not germane or relevant to the measure under consideration. All questions of germaneness, relevancy, or points of order raised hereunder shall be decided by the Presiding Officer without debate, and any appeal from a decision of the Chair in connection therewith shall be decided by the Senate without debate.

The ACTING PRESIDENT pro tempore. Without objection, the resolution will be received and referred to the Committee on Rules.

#### HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred or ordered to be placed on the calendar, as indicated:

H. R. 1095. An act for the relief of the Indians of the Fort Berthold Reservation in North Dakota;

H. R. 2231. An act to authorize the Secretary of the Interior to adjust debts of individual Indians, associations of Indians, or Indian tribes, and for other purposes; and

H. R. 4497. An act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes; to the Committee on Indian Affairs.

H. R. 1751. An act to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 20 persons at a time from the American Republics, other than the United States;

H. R. 2033. An act authorizing Federal participation in the cost of protecting the shores of publicly owned property; and

H. R. 6057. An act to amend the act of July 11, 1919 (41 Stat. 132), relating to the interchange of property between the Army and the Navy, so as to include the Coast Guard within its provision; to the Committee on Commerce.

H. R. 2678. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, and for other purposes; and

H. R. 3843. An act to provide for the disposition of tribal funds of the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana; ordered to be placed on the Calendar.

H. R. 2788. An act to limit the time during which certain actions under the laws of the United States may be brought; to the Committee on the Judiciary.

H. R. 5911. An act to establish an Office of Naval Research in the Department of the Navy; to plan, foster, and encourage scientific research in recognition of its paramount importance as related to the maintenance of future naval power, and the preservation of national security; to provide within the Department of the Navy a single office, which, by contract and otherwise, shall be able to obtain, coordinate, and make available to all bureaus and activities of the Department of the Navy, world-wide scientific information and the necessary services for conducting specialized and imaginative research; to establish a Naval Research Advisory Committee consisting of persons preeminent in the fields of science and research, to consult with and advise the Chief of such Office in matters pertaining to research; to the Committee on Naval Affairs.

H. R. 6343. An act to authorize the Secretary of War to lend War Department equipment for use at the twenty-eighth annual national convention of the American Legion; to the Committee on Military Affairs.

H. R. 6372. An act to amend the Federal Credit Union Act; to the Committee on Banking and Currency.

H. R. 6428. An act making appropriations for the Coast Guard, Treasury Department, for the fiscal year ending June 30, 1947, and for other purposes; to the Committee on Appropriations.

#### EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

#### ADDRESS BY THE SECRETARY OF STATE ON THE PARIS MEETING OF FOREIGN MINISTERS

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD a radio address reporting on the meeting of the council of foreign ministers held at Paris, delivered by Hon. James F. Byrnes, Secretary of State, which appears in the Appendix.]

#### AMERICAN FOREIGN POLICY—ADDRESS BY SENATOR FULBRIGHT

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD an address entitled "Our Foreign Policy," delivered by him on May 17, 1946, before a joint meeting of the American Academy of Arts and Letters and the National Institute of Arts, in New York City, which appears in the Appendix.]

#### FIGHT FOR HEBREW FREEDOM—ADDRESS BY SENATOR MYERS

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an address delivered by Senator MYERS at a dinner in New York on May 14, 1946, in honor of the fight for Hebrew freedom, which appears in the Appendix.]

#### CONGRESS AND OFFICE MANAGEMENT—ARTICLE BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article entitled "Congress and the American Office," written by him and published in the January 1946, issue of the Office, magazine of office equipment, which appears in the Appendix.]

#### "WILEY 'CARRIES THE BALL' FOR FARMERS"—ARTICLE IN THE ALTOONA (WIS.) TRIBUNE

[Mr. HAWKES asked and obtained leave to have printed in the RECORD an article entitled "Wiley 'Carries the Ball' for Farmers," published in the Altoona (Wis.) Tribune of May 16, 1946, which appears in the Appendix.]

#### THE ST. LAWRENCE, THE GREAT AMERICAN PROJECT—ADDRESS BY DR. N. R. DANIELIAN

[Mr. AIKEN asked and obtained leave to have printed in the RECORD an address entitled "St. Lawrence, the Great American Project," delivered by Dr. N. R. Danielian before the Engineering Society of Detroit on May 6, 1946, which appears in the Appendix.]

#### CONFUSION REIGNS!—EDITORIAL FROM THE DAKOTA FARMER

[Mr. BUSHFIELD asked and obtained leave to have printed in the RECORD an article entitled "Confusion Reigns!" published in the May 18, 1946, issue of the Dakota Farmer, which appears in the Appendix.]

#### JUSTICE FOR GREECE—ARTICLE BY DR. W. ELMER EKBLAW

[Mr. WALSH asked and obtained leave to have printed in the RECORD an article entitled "Justice for Greece," by Dr. W. Elmer Ekblaw, of Clark University, published in the Worcester (Mass.) Daily Telegram of May 6, 1946, which appears in the Appendix.]

#### THE SHIPPING SCANDAL—EDITORIAL FROM THE ST. LOUIS POST-DISPATCH

[Mr. AIKEN asked and obtained leave to have printed in the RECORD an editorial entitled "The Shipping Scandal," from the St. Louis Post-Dispatch of May 18, 1946, which appears in the Appendix.]

#### IS COMPULSORY ARBITRATION NEEDED?—EDITORIAL FROM THE WALLA WALLA UNION-BULLETIN

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD a letter from J. G. Kelly, publisher of the Walla Walla Union-Bulletin, and also an editorial from the Union-Bulletin entitled "Is Compulsory Arbitration Needed?" which appears in the Appendix.]

#### MAN TO MAN—ARTICLE BY HAROLD L. ICKES

[Mr. TAYLOR asked and obtained leave to have printed in the RECORD an article by

Harold L. Ickes, from the Evening Star of May 20, 1946, which appears in the Appendix.]

#### SUBSISTENCE ALLOWANCES FOR ON-THE-JOB TRAINING—ARTICLE FROM AMERICAN FEDERATION OF LABOR BULLETIN

[Mr. MORSE asked and obtained leave to have printed in the RECORD an article entitled "They Would Cheat the Veteran and Rob the Government," published in the bulletin of the Metal Trades Department of the American Federation of Labor for May 1946, which appears in the Appendix.]

#### MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4903) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER] as a substitute for the amendment offered by the Senator from Virginia [Mr. BYRD], as modified.

Mr. PEPPER obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator from Florida yield to me?

Mr. PEPPER. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, in an effort to expedite the consideration of the pending legislation, having in mind other important legislation which is to follow, I ask unanimous consent that during the further consideration of H. R. 4903, the pending labor bill, no Senator shall speak more than once nor longer than 1 hour on the bill or any amendment pending thereto.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request made by the Senator from Kentucky?

Mr. MORSE. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BARKLEY. Mr. President, I ask unanimous consent that during the remaining consideration of the pending amendment, known as the Byrd amendment, no Senator shall speak more than once nor longer than 30 minutes on that amendment.

Mr. MORSE. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard to the request.

Mr. BARKLEY. Mr. President, may I propound an inquiry to the Senator from Oregon, as to whether he would agree to or object to any request made for limitation of debate on the pending legislation?

Mr. MORSE. Mr. President, I am glad to inform the Senator from Kentucky on that point. I wish to say that I shall object to any limitation on debate until such time as I am convinced that there is a filibuster in progress, at which time I shall be glad to sign a cloture petition.

Mr. BARKLEY. In other words, the Senator will sign a cloture petition, and vote for it, and of course that would limit debate to 1 hour. But the Senator would not agree that the Senate limit itself to debate on the measure for 1 hour; is that it?

Mr. MORSE. I am sure the Senator from Kentucky is well aware of the difference between debate on the merits of an issue and a filibuster.

Mr. BARKLEY. I am not talking about a filibuster. I am talking about the technical difference between limitation of debate by the invoking of a rule which requires a two-thirds vote to have it carried into effect, and which, if carried, would only give a Senator an hour, and the limitation of debate which I am seeking by asking the Senate for unanimous consent to limit debate by unanimous consent, which gives each Senator an hour. I do not see any difference so far as the effective result is concerned.

Mr. MORSE. Of course, the Senator may not share my view with regard to it, but I think there is a fundamental difference, and I wish to say that, so long as any Senator wishes really to discuss the merits of the matter, I intend to object to any limitation of debate. I am inclined to think, as I have observed in the past so many times, that if we proceed with the debate on the merits it will be found that the total debate will be much less in time consumed than would be consumed under the limitation agreement which the Senator from Kentucky now seeks to obtain from the Senate.

Mr. BARKLEY. I do not know. I have never observed that placing a limitation on debate thereby extends the debate automatically.

Mr. MORSE. I have observed several times, when the Senator has sought to place a limit on debate, and there was objection, that the debate which actually occurred occupied a shorter period of time than would have been occupied if the limitation had been put into effect.

Mr. BARKLEY. Of course, Mr. President, we all know that the pending legislation has been under consideration now for more than a week. It was interrupted by 1 day's consideration of another matter, but outside of that it has been debated for a week. We have not voted on any amendment to it yet, and a good many amendments, I understand, have been offered or will be offered, and have been printed. I am merely seeking to expedite the business of the Senate, in view of the situation it confronts. I have to submit, of course, to the Senator's objection, or to that of any other Senator who may register objection, when I seek to bring about any limitation by unanimous consent, so long as the Senator feels obliged to object.

The ACTING PRESIDENT pro tempore. The Senator from Florida [Mr. PEPPER] is entitled to the floor.

Mr. HATCH. Mr. President, will the Senator from Florida yield to me to submit a resolution?

Mr. PEPPER. I will yield to the Senator from New Mexico provided I shall not be criticized for yielding to Senators for introduction of measures or submission of matters for the Appendix, and like matters. I will gladly yield with that understanding.

(Mr. HATCH submitted a resolution (S. Res. 271), which appears elsewhere in today's RECORD under the appropriate heading.)

Mr. PEPPER. Mr. President, we are now considering my substitute for the amended and amended and amended Byrd amendment. The substitute presents very clearly and very straightforwardly an opposing view as to the better

policy for the Congress to pursue in diminishing strikes and industrial strife and encouraging the uninterrupted flow of production.

I cannot make it too clear, Mr. President, that those of us who have been opposing the restrictive amendments offered to the pending bill are just as anxious that reconversion should be unimpeded and that the flow of production should be uninterrupted as are any other Senators upon this floor. We only regret that the public understanding of the issues involved has been so clouded and confused that a great many people do not have that opinion. There have been some who thought that those who opposed these restrictive amendments on labor—not only organized labor but unorganized labor—were engaging in a filibuster; and that charge has been repeatedly made in certain segments of the press. Generally speaking, if one examines the character of the newspapers which have made such charges, he will find that it is justifiable to say that they have been and are antilabor in their sentiment and attitude. They do not have the sympathy for the plight of the workingman that proceeds out of a genuine feeling of humanitarianism or brotherhood. They are the kind of employers who would never give an employee anything except what he gets by force and by the coercion of collective bargaining. Those newspapers have endeavored to stir up public prejudice based upon public confusion and misunderstanding of what is essentially involved in the controversy before the Senate today.

The able chairman of the Committee on Education and Labor [Mr. MURRAY] and a majority of his committee, after months of hearings, weeks of deliberation, and many long days of earnest discussion, brought to this floor a bill which, in the opinion of that committee, would curb strikes more effectively than any other legislation we could propose. It would in the long run be more conducive to industrial peace than any other legislation we might bring to the floor of the Senate.

That committee positively rejected the other philosophy of curbing industrial strife and reducing industrial disputes. In the first place the Case bill, which came to the Senate from the House of Representatives in no paragraph, section, or sentence proposed to curb or to stop strikes. In fact, no Senator has yet proposed an amendment which he will dare to say to his colleagues can stop strikes. Neither did the House of Representatives send us, nor has any Senator proposed, legislation which offers any efficacy as a coercive power in preventing or curing the strikes which have interrupted the flow of production or transportation.

So those are not the kind of proposals with which we are dealing. What the House sent us was a bill the purpose and intention of which was to curb the power of labor in collective bargaining, to weaken labor in the contest with management for better living conditions for the working men and women. What those amendments were essentially aiming at was a restriction of the power of

collective bargaining allowed by the National Labor Relations Act and a negation of the Norris-LaGuardia Act. It was an indirect attack upon legislation which the enemies of labor opposed when it was passed. They opposed it in the courts of the country, and have tried to erase it from our statute books by legislation of one sort or another ever since its enactment by the Congress.

But, Mr. President, instead of coming forth with a straightforward effort to repeal the National Labor Relations Act, which is what they really strike at, they try to achieve the same results by circumlocution and indirection—by something other than a direct attack. So the Case bill is aimed at taking away from labor the strength which it has acquired under the collective bargaining law, which is the bible of labor in this country—the National Labor Relations Act, sponsored by the able senior Senator from New York [Mr. WAGNER].

Mr. President, the House bill would have made the labor unions register and file detailed accountings with the Securities and Exchange Commission, but it did not propose any such obligations upon corporations, except those that were selling their securities upon public exchanges. It would make labor report about the election of its officers, but it would not make corporations file such reports about the elections of their officers. It provided that there must be filed a showing of the salaries received by labor leaders, but it did not require a showing of the salaries and expense accounts received by executives of corporations.

No, Mr. President, the very persons who talk about imposing correlative obligations upon labor and capital are not willing to impose upon capital and management the obligations they strive to impose upon labor. Obviously, therefore, labor gets the impression that we are prejudiced in our approach to the whole problem.

Therefore, Mr. President, instead of a series of hamstringing and emasculating proposals such as those contained in the original Case bill, your Committee on Education and Labor, by a majority vote, reported to the Senate a bill which, in the opinion of the committee, represents the best policy which we could pursue in diminishing industrial strife. What is that policy? In the first place, the bill reported by the committee outlawed the kind of interference which has occurred in the past with farmers bringing their produce to the city markets. A majority of the committee placed a prohibition in the committee bill against that kind of interference.

In the second place, the committee bill set up a Board of Mediation, to be appointed by the President and confirmed by the Senate, and paid decent salaries. The bill took that Board out from under the jurisdiction of the Secretary of Labor and made it an independent Board, because we were trying to inspire public confidence in the National Mediation Board—the only provision with which seven members of the majority of the committee did not agree. In that respect we were following to a considerable degree the analogy of the Railway Labor Disputes Act, under

which there is a National Mediation Board.

In the bill we authorized the National Mediation Board to appoint arbitrators when the parties would agree to arbitration; and we provided for assistance in the selection and finding of arbitrators. We authorized the United States Government to pay a part of the expenses of an arbitration proceeding, so that such a proceeding would be as little burdensome as possible to the parties to it. In addition we provided strengthened mediation and conciliation personnel and machinery, so that, if a strike were in prospect, the officials of the National Mediation Board would be alertly on hand to get in contact with the opposing parties and try to find a common meeting ground of the minds of the parties. We recognized that the conciliation and mediation service of the Department of Labor had not been adequate; that perhaps the character of its personnel had not been altogether the best; that there had not been sufficient funds available to make that agency able to do the job that it should do. We recognized it as one of the most important jobs the Government has to do. So we provided for the strengthening of the mediation and conciliation machinery. We believe that we provided governmental facilities at the disposal of management and labor which would help them in the solution of their controversies and reduce industrial strife.

Mr. President, your committee thought that it had made some contribution to the settlement of the difficult controversies agitating our social, economic, and political life today. There was no great disaffection with our committee bill. Minority views were submitted by some members of the committee, but there was no excitement in the Senate. The bill lay on the calendar for weeks. There was no particular agitation to have the Senate take it up. The Senate debated the British loan for more than a month, day in and week out. Then all of a sudden the coal miners went on strike, or, rather, they refused to re-execute their contract with management. But even when the cessation of work got under way there still was no particular excitement in the Senate. The Senate still did not curb debate upon the British loan. The Senate still did not meet a full week in session. The Senate did not stay in session long hours of the day; it had only one or two night sessions. So there was no particular agitation from any segment of the Senate for any particularly hasty action upon this labor bill.

Finally the coal-mine dispute began to get more acute. The public began to feel the inconvenience of the work stoppage. The coal supplies of the Nation began to be seriously depleted. Then, suddenly, like the explosion of a volcano, there occurred here one of those wrathful manifestations of the Senate. The Senate determined that immediately it had to do something against John L. Lewis.

But, Mr. President, meanwhile the President of the United States had never taken over the mines, as he has authority to do under the law. The President

had never once called upon the Congress to help him in meeting the crisis. The President had never once told the Congress that he lacked authority to act, if he did lack authority. He never once chided us upon any delay on our part in meeting by way of legislation the labor controversy. No Senator had a panacea for meeting the problem.

But, all of a sudden, there was a desire in the Senate to go back and pick up the rejected Case bill; and then Senators on this floor said they were going to try to take it up, and they said they were going to repudiate the committee bill, on which there had been long hearings and ample consideration and ample discussion, and merely make it the inanimate vehicle for the enactment of the vindictive proposals which Senators who are generally antilabor in their attitude want to incorporate in the law of the land. The able Senator from Virginia [Mr. BYRD] was one of the prime movers of the motion to bring up suddenly the Case bill, even at a time when we had ignominiously to reject our obligation to our country in respect to selective service, at a time when selective-service legislation was clamoring for recognition here, when more than 200,000 men, including fathers, were entitled to get out of the Army, but were being kept in the Army because of the inability of their Congress to legislate upon the subject. With that legislation clamoring for recognition, and now upon the calendar of the Senate, with only a stop-gap and an unfair resolution extending any kind of selective service, and with Senators acknowledging that they have no panacea for the strikes, not even proposing a remedy to stop or cure the strikes, it was proposed that the Senate take up antilabor legislation, the Case bill—obviously, Mr. President, for the purpose of taking advantage of the public prejudice against John L. Lewis, to enact labor legislation which they could not otherwise have passed by the Senate. They knew that if any of us dared to stand up here against unwise labor or antilabor legislation, we would be condemned in our States and throughout the land—first, as being obstructionists; second, as being partisans of John L. Lewis; and, third, as believing in some kind of a dictatorship by some labor leader. They knew all that. The able Senator from Virginia told his colleagues here, the first day of debate, that he had been in contact with the mine operators. Other Senators have since said that the Senator from Virginia had had contact with the mine operators. I stated on this floor yesterday that I had no factual assurance of it, but that I believed—and it has not been denied by the Senator from Virginia—that I believed it possible that the Senator from Virginia told the mine operators, "Do not agree with John L. Lewis until we can get this antilabor legislation through the United States Senate, because Senators will bear the scorpion's lash of public condemnation if they do not enact legislation that will be considered by the public as in some way or other punitive against John L. Lewis."

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. Did I correctly understand the Senator from Florida to say that the Senator from Virginia did that, or is the Senator from Florida only suggesting that he might have done it? Did the Senator from Florida make a charge or did he merely make a suggestion?

Mr. PEPPER. It might be a little difficult to draw the psychological line between a charge and a suggestion. But the Senator from Florida—

Mr. TAFT. Mr. President, will the Senator yield to me again?

Mr. PEPPER. I yield.

Mr. TAFT. I mean, is the Senator from Florida suggesting it as a fact or as an opinion?

Mr. PEPPER. No; I wish to make that very clear. I said that the Senator from Florida believed it might be possible that the mine operators had been advised that it would not be good policy to agree with John L. Lewis until this legislation is disposed of.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PEPPER. I am glad to yield.

Mr. BYRD. Does the Senator from Florida refer to me?

Mr. PEPPER. I did in my statement yesterday, and just a moment ago I made a statement in which, although I regretted to do it in the absence of the Senator from Virginia—and I shall be glad to repeat it now—

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BYRD. Mr. President, I ask the Senator from Florida to repeat it.

Mr. PEPPER. The Senator from Florida said yesterday in his remarks that the able Senator from Virginia had stated on the first day of the debate on the Byrd amendment that he had been in contact with or had had some contact with the mine operators.

Mr. BYRD. Mr. President, that is not true, and the RECORD will show it is not true.

Mr. PEPPER. The Senator from Virginia made the statement on the floor of the Senate.

Mr. BYRD. I did not make that statement. I said I had been informed by a man who was present—not an operator—that certain things had occurred.

Mr. PEPPER. The Senator from Florida inferred or understood—

Mr. BYRD. Mr. President, the Senator from Florida has made a lot of inferences and insinuations here that are totally false from the very beginning of this discussion.

Mr. PEPPER. The Senator from Florida stated his opinion, and he is not reluctant to state it again: that Senators on this floor, and possibly the Senator from Virginia think it is to the strategic advantage of those who have his viewpoint that the public anger be kept up against John L. Lewis until this legislation is enacted, and they would perhaps prefer that the sentiment not be allayed until this legislation is enacted.

Mr. BYRD. Mr. President, I wish to ask the Senator from Florida if he stated that I had advised the coal operators not to settle this dispute at this time.

Mr. PEPPER. The Senator from Florida stated yesterday, and again to-

day, and he will now state to the Senator from Virginia, that he had no factual confirmation of it; but, understanding the Senator from Virginia to say the other day that he had; not knowledge gained from the newspapers—which is the knowledge the Senator from Florida said he had to rely upon—but knowledge gained, as he said, from the mine operators—maybe he said through an intermediate of the mine operators, and due to the fact that people who had the Senator's point of view had been in contact with the mine owners, the Senator from Florida stated that, under the circumstances, it was the belief of the Senator from Florida that he had been in contact with the mine operators?

Mr. BYRD. Mr. President, that is a charge by innuendo, and false innuendo at that; and I emphatically deny that there is any truth in what the Senator from Florida has said.

Mr. PEPPER. Let me ask whether the Senator from Virginia has been in contact with the mine operators?

Mr. BYRD. The only contact I have had is that certain Virginia operators had seen me, as they had a right to do. They certainly have that right.

Mr. PEPPER. Of course they have.

Mr. BYRD. The Senator from Florida evidently believes that a Senator has no right to speak even to his constituents if they be coal operators. Is that the position which the Senator takes?

Mr. PEPPER. Not under any circumstances. Of course, Senators have the right to speak to their constituents.

Mr. BYRD. I have not given advice to the coal operators, nor have I been present in their conferences, or participated with them in their negotiations.

Mr. PEPPER. But the Senator has conferred with some of the mine operators of his State.

Mr. BYRD. I conferred with Virginia mine operators who wanted to see me, and I will confer with any of my constituents at any time they may wish to see me.

Mr. PEPPER. Yes. The Senator has a right to do so.

Mr. BYRD. Mr. President, I wish to say a word concerning the frequent insinuations which the Senator from Florida has made against me. I have been told that the other day he made some reference to the house in which I live. I wish to say that, so long as that house was honestly acquired, it has nothing to do with this debate. I happen to have started to work at the age of 15 and have worked hard. I have accumulated some property. It is not as much as some persons state it is, but whatever it is, it is mine, and honestly acquired. The Senator wishes to bring it into the debate merely to prejudice against me the coal miners of my State, of whom there are many. I have not answered any of the remarks which were made by the Senator from Florida, because his opinion of me is a matter of complete indifference to me. It does not make a particle of difference to me what the Senator from Florida thinks of me. I am reminded, too, Mr. President, that when I first became a Member of the Senate my distinguished colleague the

senior Senator from Virginia [Mr. Glass] said to me that it never paid to get into a contest with a skunk.

Mr. PEPPER. Mr. President, I shall not raise any point, though I do not believe that while on the floor of the Senate I have used any language comparable to the language which the Senator from Virginia has just employed. I am, indeed, sorry that the Senator, being oftentimes off the floor, has completely misunderstood the argument which the Senator from Florida was trying to make. I will repeat a part of it in order that the Senator from Virginia may understand that in no circumstance has the Senator from Florida intended to make, or has made, any personal attack on the Senator from Virginia.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. PEPPER. Excuse me. If the Senator will say that what I may think of him is a matter of no concern to him, I will say that what the Senator from Virginia thinks of me in respect to my personal relationship to him is a matter of very grave concern to me. I should like to continue to enjoy his friendship in spite of the fact that we do not agree philosophically on many questions.

When I referred to the house of the Senator from Virginia, and to his apple orchard, I was trying to show that if we were to adopt compulsory legislation which would compel a miner to take a short pick and go down into the black bowels of the earth and mine coal, we would, by the same token, send the Senator from Virginia out into his spacious apple orchards with a bayonet behind his back, and a hoe in his hand, and make him also perform the kind of labor which Congress might impose upon him. When I spoke of the Senator's house I did not limit my statement to the Senator from Virginia, but it applied to all of us. We hardly know what it means to live in hovels like those which miners have to live in. I repeat that it is not always easy for a Senator who lives in a large, fine house, surrounded by spacious grounds, to realize how desperately, how pitifully, and how insanitarily a great many persons in this country are required to live. The Senator from Virginia has generally voted in the Senate, although conscientiously and honestly, the sentiments of a man who lives his kind of life, and he has not always expressed in the votes which he cast an understanding which perhaps some of us think he should have manifested of the poor devils who live in wretched houses with unsanitary privies, from which water pours into their kitchens, and who are not afforded any possibility of enjoying the decencies and amenities of life which, in my opinion, every American should have an opportunity to enjoy.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PEPPER. However, if the Senator from Virginia obtained any impression whatever that the Senator from Florida intimated or intended to intimate that there was anything other than credit to be attached to him for having been a business success in life, or that he has not, by his own labor, built up an enter-

prise, and a comfortable and attractive home for his family—I say, Mr. President, if he gathered any impression that the Senator from Florida intended in any personal way to reflect discredit upon him, I am deeply sorry. I had no such intention at all. I was speaking with reference to the public policy which is involved. When a Senator offers an amendment to the effect that a labor-union representative may not demand of his employers a welfare fund and have it administered by the union, I believe it to be proper to comment upon such amendment. I think that under those circumstances it is pertinent to show, as I attempted to do, the kind of hovels in which miners are required to live and the pitiful conditions under which they are required to exist.

I now yield to the Senator from Virginia.

Mr. BYRD. Mr. President, I am under no compulsion of the Senator from Florida to account to him for my votes. I may vote as I please. I vote only in accordance with an obligation to my own conscience and an allegiance to the people of Virginia. So long as I am satisfied in that respect, I am not obligated to satisfy the Senator from Florida as to any vote which I may cast.

Mr. PEPPER. If the Senator thinks that the Senator from Florida regards himself as exercising any authority over the kind of vote which the Senator from Virginia casts, the Senator is more presumptuous than is the Senator from Florida.

Mr. BYRD. The Senator from Florida certainly cannot believe that he has a right to exercise any control or does exercise any control over the Senator from Virginia in the votes which he may cast. However, the Senator from Florida has attempted to criticize the votes cast by the Senator from Virginia which were cast in accordance with his convictions.

Mr. PEPPER. I am sure of that.

Mr. BYRD. So long as I can satisfy my constituents in Virginia I have no intention whatever of attempting to satisfy the Senator from Florida.

Mr. PEPPER. The Senator from Florida has never expected the Senator from Virginia to attempt to satisfy him, and if he has not done so within the past 10 years I am sure he is not likely to begin now. I am very sorry that the Senator—

Mr. BYRD. The Senator from Florida is now farther away from satisfying the Senator from Virginia than he has been at any time within the 10 years we have spent together in the Senate.

Mr. PEPPER. Mr. President, I am deeply sorry that I said anything in my remarks which were addressed to the issues, that in any way offended the Senator from Virginia, and insofar as I am at fault I wish to extend to the Senator my apology. I assert that while I do not always agree with the Senator's philosophy, I respect him very highly as an individual, and I hope to enjoy his personal friendship whether I ever get out of his skunk class or not. I am sure that when the gracious and usually hospitable Senator has a little opportunity to reflect, he will accept my apology and will, perhaps, make some correction in

today's RECORD with regard to the discussion which has taken place.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HAWKES. I assume that the Senator from Florida, as well as every other Member of the United States Senate, is interested in bringing about understanding and harmony with reference to working conditions between the various groups which make up American life. In my opinion, we are serving our constituents better when we omit personalities and apply ourselves to the facts and conditions which are causing a disruption of affairs in the United States. I cannot help but remark that, while sitting here, if I understood the English language, I felt that the Senator from Florida unnecessarily devoted himself to an attack upon the Senator from Virginia for his personal acts in connection with the pending matter. I cannot help feeling that way. The Senator may say that, because I pay my bills in the United States and have not been a charge on the Government, nor have gone to it for a dole, or placed my family on relief, that in itself is an argument against me for objecting to the manner in which the business of the Senate has been progressing. I am proud that I have not been a charge on the Government. I am proud of the Senator from Virginia for what he has done since he was a small boy. I personally resent the attacks which have been made on the Senator from Virginia while we have been debating a subject in an attempt to bring the people of the United States closer together, rather than to divide them and create hatred.

Mr. PEPPER. Mr. President, the able Senator from New Jersey is one of the finest and most gracious Senators on this floor. Yet he is head of a great enterprise.

Mr. HAWKES. Pardon me. I am not the head of a great enterprise.

Mr. PEPPER. Well, the Senator is the owner, I may say.

Mr. HAWKES. No. Mr. President, I wish to say in defense of myself that the Senator from Florida never made two statements which were so nearly 100 percent inaccurate. That is the difficulty with the Senator's argument. That is the point I am raising. For 3 days we have listened to innuendo and statements concerning imaginary things that do not exist in life. However, I deny the Senator's statement 100 percent.

Mr. PEPPER. Very well. I have heard the Senator in the Patents Committee talk about congoleum and many other things.

Mr. HAWKES. I was connected with the Congoleum Co., but before I came to the Senate I resigned from the presidency of that company, and I never owned it.

Mr. PEPPER. Let me say that the Senator from Florida also has some privileges of statement and opinion. The Senator from Florida has done what he could to emphasize that there are many people living a long way from the way the working men and women of this country live, and it is awfully difficult for a man living in a great palatial home,

who does not feel the pinch of poverty; it is awfully difficult for a man who does not have the pains and heart anguishes that many of the poorest people of the country have, to understand their point of view. I know that the mine operators, for example, have their point of view, and Mr. Lewis has his point of view, and I desire to read a few extracts which indicate the way some of the workers in the mining industry live and emphasize how far away their mode of life is from that of Senators. If I cannot say that without offending some Senator, the Senate will have to excuse me.

Mr. HAWKES. If the Senator from Florida will yield a moment further, I do not deny he has the right to say anything he desires. I am merely talking about personal attacks and statements that are dividing the people instead of bringing them together.

Mr. PEPPER. As much malice has been generated by the corporate powers of this country as ever came from any other source.

Mr. HAWKES. I am not going to deny that wherever that has been the case, sorrow has been generated and differences of opinion and bitterness have developed; but I want the Senator to understand that I know all about being poor. I have seen the time when I could not pay my bills. I went to work when I was 10 years old, and did not go to higher schools and have the kind of education the Senator is talking about, though I did find a way to get some of it by attending night schools. I want to say to the Senator, because I should like to have him understand, as I know he wants to, that I have shoveled salt into a muriatic furnace 10 hours a day when a young man, in order to make a living, and I do not know of any harder or dirtier work in the world. So I have a deep understanding of the people who are working and about whom the Senator is talking. The point I am raising is that, because some of us stand for certain principles on which American life has been founded and built up and do not agree that we should tear down our economic system and the whole structure of government, but, rather, that we should improve our relationships gradually and make them what we want them to be, the finger of scorn, hatred, and bitterness is pointed at us. Harmony—not discord—will accomplish these things in the American way.

Mr. PEPPER. Yes; and when some of us on this floor stand for what we believe to be essential Americanism, what are we called in the press, and, in some instances, by our colleagues in the Senate?

Mr. HAWKES. Mr. President, if the Senator will yield further—

Mr. PEPPER. I yielded to the Senator, and I should like to finish what I am saying.

Mr. HAWKES. Very well. I thank the Senator.

Mr. PEPPER. When some of us advocate the working men and women of this country getting a fair wage, we think we are advancing Americanism; when some of us insist upon the right of the American family to live in a decent home, we think we are advancing

essential Americanism; when some of us insist upon the right of working men and women to be provided with medical and hospital and home-nursing care for themselves, their wives, and their children, we think we are advancing essential Americanism; and when some of us defend the right of labor to act together collectively and to use their combined resources to better their condition, we think, we too, are advancing essential Americanism. Yet when we defend those rights, we are accused of being Communists, in believing in a labor dictatorship, and subscribing to all the things that are distasteful to American life. We, too, think when we are defending the civil rights of an American citizen to work or not to work that we are defending constitutional prerogatives which are the very essence of Americanism. Yet, in our opinion, those very things are to be stripped away from the workmen of this country if the pending amendment proposed by the Senator from Virginia and other Senators is adopted by the Senate and becomes the law of this land.

I am not complaining about successful men in this country, but I am saying that it makes a great deal of difference whose ox is being gored. I stated here the other day to some of the defenders of private enterprise, the essential private enterprise system of America, that I believe in the system of private enterprise. I believe in the right, as I said the other day, of the Senator from Virginia to have his own private enterprise, but his private enterprise is no more important to him than is the right of the miner in the mines to work with his pick and his little lamp on his forehead down in the dark passages of the underground.

Mr. President, what a number of Senators want to do is to apply one standard of law to large private enterprise and another standard of law to small private enterprise; they want to apply one standard of law to the head of a large enterprise and another standard of law to the humble man who works for the large corporation. What I want to do is to respect private enterprise wherever it may be in America.

For example, the amendment of the Senator from Virginia which was offered at the beginning of last week has been changed at least four different times since the Senator from Florida has been addressing himself to the amendment. Senators know that to be so. As originally offered the other day, it contained a flat prohibition against any employer paying any sum of money or other thing of value to an employee, without any limitation, without any exception, without any reservation. The Senator from Montana [Mr. WHEELER] stood on the floor of the Senate and pointed out that the original amendment would prevent a corporation from giving a hundred dollars to a baseball team that a group of employees might organize. The Senator from Montana also pointed out that it would probably prevent a railroad from giving a pass to an employee who worked for the railroad. The Senator from Florida pointed out that it would prevent a corporation from contributing to a

health fund. He pointed out that it would prevent 200,000 workers who are today enjoying health funds, which have been arrived at by collective bargaining with the employers, from continuing to utilize such funds. Those criticisms of the Senator from Florida and other Senators have been responsible for four different alterations in the amendment of the able Senator from Virginia, and all the time the newspapers have been talking about a filibuster and Senators have been accused by one insinuation or another. Yet our criticism has changed and perhaps improved the Byrd amendment. I take it the Senator will have to agree to that statement, because of the fact that he has voluntarily modified his amendment from time to time as these points of criticism have been brought out. I pointed out that, in my opinion, that amendment was unduly restrictive of the rights of management and labor in collective bargaining. I am saying that the Senator from Virginia proposes to curb the power of management and labor in respect to their own affairs, that is to say, as to whether there can be a health fund or not, and who can administer it. I am saying that the coal miners of this country have been denounced for causing a strike, but nothing has been said about the coal operators who have flatly refused to negotiate and provide a health fund for the miners.

I do not ask the Senate to take my word for that. I read into the RECORD a few days ago what the mine operators' negotiating committee said about it. Here is one of the paragraphs of their statement:

It is to be noted that at least three of these demands are immeasurable on any actuarial or other basis and would result in expenditure of many more millions than those that are measurable, and that the limits upon the expenditure of money are not explained nor specified nor restricted. The operators' negotiating committee unequivocally rejects this proposal for the following reasons.

Then it says that if there is to be any legislation on this subject it has to be general in character.

Then I asked the question, Will Senators proposing to outlaw the administration of these health funds by employees join us in proposing national-health legislation like the Wagner-Murray-Dingell bill, that will make it possible for the workers of this country and the people generally to contribute to a national insurance fund from which they can provide the medical and hospital care which the people of this country need? I am saying that, as a general rule, those who are the principal proponents of these restrictive amendments have not been the advocates of national-health legislation as an alternative to the kind of health fund the unions are trying to provide by their own collective-bargaining rights.

Here is the amendment of the Senator from Montana [Mr. MURRAY], the Senator from Oregon [Mr. MORSE], and the Senator from Florida:

It is hereby declared to be the policy of Congress to encourage and facilitate the establishment and maintenance of approved plans within industry for providing hospital, medical, and home nursing care and services, insurance, vocational rehabilitation, and

other benefits for employees in activities affecting commerce and for their families and dependents, and to encourage the support of such plans by employers, whether such plans are administered by employers and employees jointly or solely by employers or solely by employees or otherwise. No provision of this or any other act shall be deemed to prohibit such plans or to prohibit employers from contributing to the support of such plans, except in any case where such support constitutes an unfair labor practice under the National Labor Relations Act. The failure or refusal of an employer in an activity affecting commerce to bargain collectively concerning the establishment or maintenance of such a plan shall be deemed to be an unfair labor practice for the purposes of the National Relations Act.

(b) As used in this section, the term "approved plan" means a plan which has been approved, or which is to take effect only upon its approval, by the Surgeon General of the United States insofar as such plan provides for hospital, medical, and home nursing care and services and by the Secretary of Labor insofar as such plan provides other benefits. The Surgeon General and the Secretary of Labor shall approve any plan submitted to them for the purposes of this section if they find that such plan is a bona fide plan for providing benefits for employees and that a fair and equitable method of administering such plan is provided.

Mr. President, what does that substitute for the Byrd amendment do? It says that, instead of prohibiting management and labor from getting together and agreeing upon a health plan and a welfare plan, Congress encourages their doing so. It says it is the national policy of the Congress to aid them and to give them support in the formulation of such plan, rather than, as the Senator from Virginia would have had Congress do, prohibit them from collectively and voluntarily working out such plan, including the right of the union itself, or the employees if unorganized, to have the majority of representation on the board, due to the fact that they are the ones for whose benefit the fund is provided.

Mr. President, which do Senators think is the fairer proposal? Should we step in by arbitrary legislation and attempt to curb the freedom of parties to collective bargaining, and to say that they cannot make the provision for a health fund as a condition precedent to work? Or, shall we say that, until we can devise a national health plan passed by law, the thing we should do is to encourage all employers and all employees to get together and devise the best kind of a health plan for their own workers they can work out, without any restrictions on how the fund shall be administered as between the employers and the employees, or either one of them, or both of them, and the public?

Mr. President, I pointed out that there were already in effect in this country these voluntary health and welfare plans worked out by CIO and A. F. of L. unions in which over 600,000 workers were covered today; and had the amendment of the Senator from Virginia not been altered by the Senator from Florida pointing out what I have stated, it would have outlawed every one of those plans already in existence.

I pointed out, Mr. President, that our committee had made a study of these industrial health plans, and that there

were a million and a half working people in this country who were covered by voluntary plans. In some cases the money is put up by the employer altogether, in some cases the money is put up by the employees altogether, and in some cases the money is put up by the employee and employer jointly. It is a matter about which they should have freedom of action.

Mr. President, not only are a million and a half working people in this country covered by such plans but I am advised that there are five foreign countries, Great Britain, Spain, the Netherlands, New Zealand, Belgium, which already have the same kind of plan in existence and in operation. Yet the Congress of the United States, if the amendment of the Senator from Virginia is to be adopted, would make it unlawful for management and labor to work out such plans as this unless they kept labor, the employees, from the principal administration of the fund.

Mr. President, I do not know which is the best way to operate the fund. I dare say we are still going through experimentation; I dare say that we will find out eventually by experience which is the best way to raise the money and which is the best way to administer the fund.

I have stated here in response to questions by the Senator from Illinois that, insofar as requiring the employees to make an accounting is concerned, I would support an amendment of that sort, providing for an accounting to any public authority which might be deemed the best authority to examine into the reports. But I do say that it is wrong; I not only say it is wrong, but I say that it is discriminatory; I not only say it is discriminatory, I say it is unfair for us to interpose statutory prohibitions into this field of voluntary collective bargaining, and because for some reason or another we do not like labor, or do not think labor should administer the fund, deny management the right even to give employees by voluntary agreement the authority to administer a fund which is to provide health and care for their own bodies and their own families.

Mr. President, I can well understand why the employees might wish to administer the plan themselves. I can well understand how they might think that the management of which came altogether from the employees would be more sympathetic with the problems of the employees than a board composed of representatives of either the public or the management. But the interesting thing is that from Bulletin 841, which I read in the Senate a few days ago, it appears that the plans which are already in existence in the country embody the three methods, and here they are:

A little more than a third of the employees covered by health-benefit programs included in this report are under plans which are jointly administered by the union and employer. Another third are covered by programs for which insurance companies assume the major administrative responsibility; and somewhat less than a third are under those administered solely by the union.

Mr. President, the pending amendment was proposed to strike at John L. Lewis. It was proposed because the sponsors understood that Lewis had said, "I will not negotiate about wages and hours until you agree to the principle of a health fund," and they offered this amendment to make it unlawful to get it by law even if it were secured by collective bargaining.

Is that wise legislation? Is that the kind of legislation Congress should adopt? Is that the approach to this controversy which the Congress should make? Is that the spirit in which we should legislate?

I have said every day that I have spoken on this subject that I do not any more approve John L. Lewis' attitude and John L. Lewis flaunting of his arbitrary power before the country, John L. Lewis' apparent inconsideration for the public interest, than does any other Senator. But I say that, if we adopt these restrictive amendments, if we impose upon labor curbs of the particular kind proposed, all we are going to do is to embitter them, all we are going to do is make them feel that we have exercised a prejudice against them, all that will be done is to make them feel that we are trying to penalize them, and that the proposals proceed out of a spirit of hate and animosity and vindictiveness, rather than that they come from deliberate, carefully devised, and solemnly thought out legislative proposals as they should come from the Congress of the United States.

Mr. MITCHELL. Mr. President—  
The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Florida yield to the Senator from Washington?

Mr. PEPPER. I yield.

Mr. MITCHELL. Section 8 of the bill as reported by the Committee on Education and Labor provides:

Nothing in this act shall be construed to diminish or interfere with the exercise of the rights of employees or labor organizations under the National Labor Relations Act.

I note that the Byrd amendment, which is now under consideration, proposes on page 28 to strike out section 8 and insert in lieu thereof other language. What effect will that have upon the National Labor Relations Act?

Mr. PEPPER. Mr. President, my opinion is that there would be no doubt that it would be a limitation upon the National Labor Relations Act. All through these amendments, as I said in the first instance, the same thread runs through a designed purpose to restrict the National Labor Relations Act. For example, some of the amendments would not only restrict the National Labor Relations Act, but would restrict the Norris-LaGuardia Anti-injunction Act as well.

Mr. President, we are now so far away from it in time, and some of us are so far away from it in living that we have forgotten the awful condition which used to prevail in this country when the employer would run into a Federal court where there was a judge who had a lifetime appointment, perhaps who was unsympathetic to labor, and he would issue an injunction against labor striking, or

against labor even peacefully picketing, or in some other way who would impose restrictions and restraints upon labor's exercise of its economic force. It was such a scandal, Mr. President, that finally the Congress of the United States passed the Norris-LaGuardia Act, and that placed a prohibition upon any court to issue that type of injunction in the future. Now, some ask that Congress to a very large degree impair the efficacy of the Norris-LaGuardia Act and restore to a considerable degree that old power in courts to issue these injunctions and restraining orders, the effect of which practically makes it impossible for labor to exercise its economic power.

Mr. MITCHELL. Mr. President, will the Senator again yield?

Mr. PEPPER. I yield.

Mr. MITCHELL. In relation to the statement the Senator has just made, I notice also on page 28 of the bill that section 8 refers both to the National Labor Relations Act and to the Norris-LaGuardia Act. Apparently, from the Senator's explanation, the striking of that section from the bill might impair both the NLRB and the Norris-LaGuardia Act in serving the purposes for which they were created. Is that a correct inference to make?

Mr. PEPPER. That is my impression. I have exactly the same opinion of the legal effect of the amendment as has the Senator from Washington.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MURRAY. My understanding is that the Byrd amendment undertakes to strike section 8 from the bill because it would be inconsistent with the Senator's amendment to the amendment of the Senator from Virginia. It would nullify his amendment if it were allowed to remain in the measure, because under the National Labor Relations Act the subject of welfare funds would be a proper problem for negotiation, and therefore, in order to make his amendment effective, he wants to strike out of the bill the provision that, "nothing in this act shall be construed to diminish or interfere with the exercise of the rights of employees or labor organizations under the National Labor Relations Act \* \* \*"

Mr. PEPPER. Mr. President, I have in my hand a column written by Lowell Mellett, published in the Washington Evening Star, the heading of which is "National Health Act might have forestalled coal crisis." I read as follows:

If a man accepts a job in a coal mine he can work in reasonable safety—if his State has enacted and enforces the safety regulations recommended by the United States Bureau of Mines. Few States have enacted and fewer actually enforce these standard safety regulations. Congress has not seen fit to confer enforcement power on the Bureau of Mines, as could be done.

If a man is injured in a coal mine he may collect some damages under his State workmen's compensation law—if his State has such a law. Of the mining States, only Illinois and Pennsylvania are said to have reasonably adequate compensation laws. In most States participation by employers is wholly voluntary. If the miner's employer is not a participant, the miner's only recourse is a lawsuit.

I will add, Mr. President, that it means the injured never will have to pay the lawyer 50 percent of what he would recover. That means the employer in court will use the defense of contributory negligence and the fellow-servant rule and all the other delays that a poor fellow meets in court. I continue to read:

If a miner becomes ill because of the nature of his work or for any other reason—say the miserable sanitary conditions in many mining communities—he may have the attention of a "company doctor" if he has allowed the company to hold back a percentage of his pay to provide the doctor's salary. The miner does not have the privilege of going to a doctor of his own choice, the privilege on which the American Medical Association places so much stress.

#### "RACKET" COMPLAINTS

There are mining companies that take pride in their medical service, and with some reason. There are others that justify the complaints of miners that the service is a "racket," out of which the companies actually make money, just as they make money out of company stores.

If the miner's illness calls for hospital care, he may receive it if his is one of the not too common mining communities that happens to have sufficient hospital facilities. Otherwise the miner is just out of luck.

All of these things have a direct bearing on the present break-down of American industry. They are the justification offered by the mine workers for their refusal to mine coal without a contract providing for a health and welfare fund. And all of these things could be handled by Federal legislation, or, in the case of workmen's compensation, by State legislation.

The necessary legislation has been before Congress for some time, but Congress has failed to act.

I will say that the Senator from Montana [Mr. MURRAY] and the Senator from New York [Mr. WAGNER] have been working on such legislation in the Senate for some 10 years. And the very Senators, including the Senator from Virginia, and other Senators in many instances who are advocating these restrictive amendments are the most unsympathetic Senators on the Senate floor as a general rule to the kind of legislation proposed by the Senator from Montana and the Senator from New York.

I continue to read:

Congress has not been disposed to correct conditions that lead to labor trouble, but instead to wait until a crisis occurs and then to thrash about blindly in an effort to "control" labor. Statesmen of the caliber of Senator BYRD, for example, come up in the present desperate situation with bills designed to outlaw any effective agreement between the operators and the miners designed to eradicate the conditions of which the miners justly complain.

#### NATIONAL HEALTH ACT

The legislation that might have forestalled the coal crisis and our present industrial tailspin is known as the National Health Act, of which Senators WAGNER and MURRAY and Representative DINGELL are the authors. President Truman has endorsed it and urged its passage. It would extend the provisions of the present Social Security Act to make medical care and hospital facilities available to all citizens. Operating as an insurance system, pure and simple, it provides for an assessment of 3 percent of industrial pay rolls, half to be paid by the employers and half by the workers. The fund thus raised

obviously would not equal the amount obtainable through the 7 percent contribution asked by John L. Lewis on behalf of the mine workers.

But offsetting this difference, the proposed act would provide for Federal assistance in the building of hospitals in communities where public revenues are insufficient.

Labor leaders have been testifying in favor of this health bill. One day recently the House Ways and Means Committee heard James B. Carey, secretary-treasurer of the CIO. A member of the committee asked Mr. Carey what he thought of John L. Lewis' demand for a health and welfare fund. Mr. Carey declined to comment. The member persisted. Mr. Carey still declined, but did say that, unless national health legislation is enacted, it is certain that the CIO unions would all be demanding health and welfare funds in future contracts.

In addition, Mr. President, I have before me a copy of the United States News, published in Washington, the editor of which is Mr. David Lawrence. These are some of the things which Mr. Lawrence says:

#### MINERS' PLIGHT OLD STORY

These questions have been asked again and again in past years when serious strikes have occurred. There is only one tragic answer. It is the answer that has come through the ages when human beings rebel against their lot. Revolution against tyranny gave birth to this Republic. Stated in terms of the miners' strike, the answer is that by no other means except a strike that arouses and awakens the entire Nation do the miners' union and John L. Lewis get attention for the demands which they feel are necessary to the future welfare of the workers.

It isn't as if the issue were new. It has been up frequently. The plight of the miners didn't arise overnight. Men have gone down into the coal pits day after day for many years in America. They have lived in the darkness of the underground. With flickering lights in their caps, they have groped for hours every day to dig out coal. They have breathed the foul air of the mines. They have crawled in dampness and in dust. And many of them every year are trapped and crushed by a cave-in or by explosions due not always to improper use of explosives but to the unpredictable movements of a shaken earth. It is the most hazardous occupation in the world. Yet what of the families left behind when accidents come? What of the anxiety every day until the worker returns to his home?

All this the miner endures for a dollar an hour. In 1941 he worked a 7-hour day and 5 days a week and made \$35 for his family. In wartime he worked 7 days and often as much as 54 hours a week. He got \$63 but he worked hard for it.

The miners are tired. They produced in wartime by long hours the coal for the factories that built our armament for victory. Their leader says the strike gives them a needed rest and offers at the same time a chance to get a settlement on the matter of pay as well as a welfare fund.

Let us ask ourselves a question individually. How many of us would do a miner's work for \$35 a week or for 54 hours—at \$63? How many of us would refuse to accept such employment at any price unless we were assured that our families would have adequate compensation if anything happened to us in the mines?

The safety laws of many of our States relating to mining inspection are a scandal. The situation in the awarding of compensation for injuries is no better.

Coal mining has become a national and not a State problem. The miners are organized nationally and so are the owners. The

operating managers collect dues by the ton from their members and, by the terms of a special law of Congress, they can add to the sales price the expenses of their associations or trade bodies.

I wish to emphasize that point, Mr. President. This amendment was offered for the purpose of making a tax upon each ton of coal illegal if it went into a health fund for the benefit of the miners. But Mr. David Lawrence, in the United States News, is telling us that management, in order to provide a fund with which to carry out its objectives, however legitimate they are, imposes upon its members a tax of so much a ton. Has the Senator from Virginia or any other Senator proposed to outlaw such a levy? Is it a tax, as it is said the health fund requirement would be? Is it a violation of constitutional liberty, as it is said the health fund would be? That is what I have been trying to say, Mr. President. The proponents of the amendment make fish out of one and fowl out of the other. They treat the employee one way, and they would treat the employer in another way. Mr. Lawrence tells us one glaring example. In order to raise a slush fund, many times for political purposes, or for their own corporate purposes, or for legitimate work of the trade associations—and they are legitimate, and have a right to have a fund—they assess their members upon the basis of so much a ton. But if the miners say, or if William Green should say, or if the leader of an unorganized group of workers should say, "we will not make a contract unless you provide a health fund, which in amount shall be related to your tonnage," the Senator from Virginia and other Senators want to make it illegal.

The operating managers collect dues by the ton from their members and, by the terms of a special law of Congress, they can add to the sales price the expenses of their associations or trade bodies.

Let me emphasize the point which Mr. Lawrence makes. Under a special law of Congress it is permissible for the employers to add to the selling price of coal, in other words, to make the consuming public pay the expenses of their associations or trade bodies.

Are trade association expenses any more of a worthy cause than a health and welfare fund? Are those corporate objectives any more sacred than the life of a baby or the health of a mother? Are they any more deserving of our support than the health and welfare of the men and women who work not only in the mines, but in other industry in America?

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HICKENLOOPER. I wonder if there is any difference between the allowance of expenses to trade or association groups and union dues, which are collected as part of the wages, and are also a part of the expenses of operation. The expenses of the union members are taken into consideration in fixing their wages. What does the Senator think about the fact that union dues are a part of wages, and undoubtedly a factor when wages are fixed? Therefore,

by the same token, union dues come out of the cost of mining coal, and are a permissible contribution to the miners' organization, just as the sort of contribution which the Senator has just mentioned would be a part of the expenses of the management organization.

Mr. PEPPER. Let me ask the Senator a question. Perhaps he has information which I do not have. Are union dues added to the price of coal?

Mr. HICKENLOOPER. I think they are taken into account in the general over-all picture.

Mr. PEPPER. It may be that in fixing wages the union dues are taken into account; but I never heard of that being true. I know that there is a check-off system—

Mr. HICKENLOOPER. Authorized by law.

Mr. PEPPER. It is authorized by law. But the company is simply the agent of the employee, to pay to the employee's union a regular fee or contribution as union dues. However, that does not mean, in my opinion, that the union dues are added to the price of coal. As Mr. Lawrence says, these other expenditures are added to the price of coal, and are passed on to the public. It may be that union dues are calculated in the wages which the workers are paid. If so, I am not criticizing that practice.

Mr. HICKENLOOPER. Wages are one of the factors, and union dues are a part of wages. I am not criticizing the payment of union dues.

Mr. PEPPER. They are deducted from wages, and not added to them.

Mr. HICKENLOOPER. I am not criticizing the payment of union dues. I see very little distinction between one contribution and the other.

Mr. PEPPER. Nor am I criticizing the payment of union dues. I am not objecting to trade associations assessing their members upon a tonnage basis. I am not objecting to the cost of the funds so raised being passed on to the consumers. But I am saying it is just as right to do the same thing in providing for a health fund. That is all I am saying.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. KNOWLAND. Would the distinguished Senator from Florida indicate where in the Byrd amendment there is anything which prevents the setting up of a health and welfare fund, provided the fund is jointly administered?

Mr. PEPPER. The Byrd amendment does allow, now that it has been amended at least four different times, the raising of such a fund, and it does permit the use of the fund as a health and welfare fund, provided the administration of it is not put into the hands of the employees. That is correct.

Mr. KNOWLAND. Will my distinguished and able colleague from Florida yield for one more question?

Mr. PEPPER. But it is hedged around with so many restrictions and so many curbs that it is certainly, in my opinion, not only inimical to, but unfair to, the working people. I wish to read what I have in mind when I say that. On page

2 of the amendment, here is the permissible way in which the fund may be employed as a health and welfare fund:

(3) with respect to money or other thing of value paid to a trust fund established by such representative—

In the first place, Mr. President, it cannot be arrived at by collective bargaining between the employer and the employees. It must be created as a trust fund. I read further—

for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents), provided (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families, and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, or life insurance, disability and sickness insurance, or accident insurance; and (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, such agreement to contain a provision that in the event the employer and employee groups deadlock on the administration of such fund, the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the District Court of the United States for the district where the trust fund has its principal office; and (C) such payments meet the requirements for deduction by the employer under section 23 (a) or section 23 (p) of the Internal Revenue Code.

Then there is provided, as a penalty for the violation of that intricate system in any respect, a fine of not more than \$10,000 or imprisonment for not more than 6 months, or both.

Mr. KNOWLAND. Mr. President, will the Senator yield to me?

Mr. PEPPER. I ask the Senator to allow me to proceed at this point.

Mr. President, that is the way the health fund is to be administered. Those are the safeguards which we by law would try to throw around the administration of the health fund. Yet Mr. David Lawrence tells us, in his article in the United States News, that employees do not have anything to say about the way the trade association uses its money. That is not a joint board. Yet the money is raised from the public by adding to the price of coal.

So what do we have? The employers levy a tax on one another according to the tonnage of coal they mine. By law which came out of the Senate Finance Committee, they can pass it on to the public and make the public pay it, and the employers use it for whatever purpose they wish to use it, without any legal safeguards or restrictions.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. Yet when we propose a health fund for the benefit of the employees, first it is said that it must be administered by management and labor jointly, in spite of the fact that we know

it will come out of the pockets of the public because it will come out of the price of coal.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. And in the second place, the administration of it is hedged about with as many restrictions as a Philadelphia lawyer could draw.

That is the reason why I say they are discriminating against the working men and women, in favor of management.

Mr. President, if Senators want to be fair, let us deal with both of them alike. If we are going to put legal restrictions upon the use of the health fund for the employees—a fund which will come out of the pockets of the public—let us put the same restrictions around the trade association funds that also come out of the pockets of the public, by special Federal law.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. And let us cause those funds to be administered in the same way. Yet I dare say that a great complaint and a great protest would be made on the floor of the Senate by certain Senators who are proposing these restrictive amendments, and they would say we were interfering with private enterprise and with management.

Mr. President, I do not want us to interfere unduly with either one. I want us to permit the health fund to be administered in just the same way that we permit the trade association fund to be administered. The trade association fund is administered in the way the management thinks it can best serve the industry. By the same token, let the employees administer the health fund in the way that they think will best serve the health of the employees themselves. Is there anything wrong about that?

Mr. KNOWLAND. Mr. President—

Mr. PEPPER. Mr. President, are we approving John L. Lewis; are we approving labor dictatorship, because we lay that down as a principle of public policy which ought to govern every industry in the land? I do not think so.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from California?

Mr. PEPPER. I yield.

Mr. KNOWLAND. I should just like to say to my distinguished colleague from Florida that, although I am sure it was an oversight on his part in making his remarks, the impression was certainly given that there was something in the Byrd amendment which would prevent the setting up of health and welfare funds.

As a matter of fact, from the very time when the Byrd amendment was submitted there was nothing in it which would prevent the setting up of health and welfare funds to take care of all the things which my able colleague from the State of Florida has mentioned, and which are highly desirable. There is nothing in the Byrd amendment which would prevent the setting up of that type of fund, through either a trust or a non-profit corporation or anything else, provided it was jointly administered, and not solely administered by the union.

As a matter of fact, the amendment which is now before the Senate, and is to be acted upon, I hope, in the not too distant future, contains nothing which would do other than protect the best interests of the miners themselves or of any other employees, so as to be sure that the funds are used for the purposes for which they are purported to be set up, and not used for some other purpose.

Mr. PEPPER. Mr. President, let me say, with all due deference to the able Senator, that he is simply mistaken. I hold in my hand what I believe to be the first version of the Byrd amendment, and I shall read it:

Sec. 8. (a) It shall be unlawful for any employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value to any representative of any of his employees who are engaged in commerce or in the production of goods for commerce.

(b) It shall be unlawful for any representative of any employees who are engaged in commerce or in the production of goods for commerce to demand, receive, or accept, or to agree to receive or accept, from the employer of such employees any money or other thing of value.

Mr. KNOWLAND. Mr. President, will the Senator yield further?

Mr. PEPPER. Yes. But first let me read the two exceptions which would keep those prohibitions from being effective:

(c) The provisions of this section shall not be applicable (1) with respect to any money or other thing of value payable by an employer to any representative who is an employee or former employee of such employer, as compensation for, or by reason of, his services as an employee of such employer.

That means wages. So if the employer paid wages or pays salaries to the employee, neither the employer nor the employee would be guilty of violating the law.

The other exception reads as follows:

Or (2) with respect to any amounts deducted from the compensation of any employee and paid to a labor organization by an employer in payment of dues or other similar fees payable by such employee to such labor organization.

Mr. President, those were the two exceptions. So the Byrd amendment, as originally submitted, prohibited any employer putting into the hands of any person any sum of money or other thing of value except, one, as salary or wages, or two, as a part of a check-off which had been authorized.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. In just a moment.

I pointed out on the first day of the debate that if an employer were to give a check to an employee to take home to a sick family, for example, he would violate the language of this amendment.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. Not until I complete my statement.

The Senator from Montana [Mr. WHEELER] pointed out that he could not give a hundred-dollar contribution to a group of employees who were collecting money for a picnic, or who were organizing a baseball team. The Senator from Montana also pointed out that a rail-

road company could not give a pass to one of its regular employees without violating the prohibition. That brought up the question of the health fund, and the Senator from Florida is the one who brought it up. On several separate occasions the Senator from Virginia greatly modified his amendment until finally the amendment now does not prohibit the payment of money into the fund, or the raising of it, but it does lay down a great mass of restrictions—

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PEPPER. Not until I complete my statement.

As I was saying, Mr. President, the Senator from Virginia has so modified his amendment that now it lays down a great mass of restrictions which I have already read, setting forth in detail how the fund shall be administered, and depriving employees of the right to administer it themselves without equal cooperation and authority on the part of management.

Mr. President, as I said when I quoted the David Lawrence editorial in the United States News, the amendment applies to labor and the employers a standard of law which is not applied to the various trade associations.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. In just a moment.

I have said that the Senator from Virginia was not imposing any requirement of law that the employees must have a voice, or that they shall be entitled to a voice, or that any court has any right to intervene, or that any public arbitrator has any authority to act in the manner in which a trade-association fund is handled, notwithstanding the fact that it is raised by—the Senator from Virginia would call it a tax. I believe that he or one of the other Senators called it a tax. Whether it is to be called a tax or not, it is a fund raised by management in relation to the tonnage of coal which is mined, and, by virtue of a law of Congress, management is authorized to pass on the expense to the consuming public. So management raises a sum of money per ton of coal mined, collects it from the public pocket, and then uses it as it should be used, without any curb of law. Yet I cannot but construe the amendment of the able Senator from Virginia to provide that while one may raise a health fund by imposing a tax on each ton of coal, or on the gross pay roll, nevertheless, he may not bargain collectively as to how that fund shall be administered. It would be unlawful for it to be administered by the employees without equal representation on the part of management, in spite of the fact that we all know that the money would come out of the pockets of the public. So I am pointing out that the Byrd amendment permits the raising of the fund, but I read to the Senate a few minutes ago the restrictions which are to be placed around it. The amendment states, in part, "with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees," and so on. It states further, "Such payments are held in trust for the purpose

of paying, either from principal or income, or both," for medical and other benefits. The amendment then proceeds to provide that there must be equal representation of management in the administration of the fund. So I say, Mr. President, that is the discrimination which I have tried to make clear in my remarks.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. KNOWLAND. As the late Governor of New York, Hon. Alfred Smith, once said, "I just want to keep the record straight."

I feel sure that the impression is being created by the Senator from Florida that there was something in either the modified Byrd amendment, or the amendment as submitted in its original form, which would prevent the setting up of a health and welfare fund. I merely want to make it clear that from the time the amendment was submitted there was nothing in it which would prevent setting up a health and welfare fund by the joint action of the employers and employees. What the amendment prohibited was the setting up of a fund to be under the exclusive control of the union.

Mr. PEPPER. No, Mr. President, that is not entirely true. I do not wish to argue with the Senator. He may have his own opinion. I read the amendment, and I believe that it completely prohibited the payment of a sum of money or other thing of value to a representative of the employees, the hospital board representative, or other representative, and that it excused only two kinds of receipts of money from employers. One was a wage or salary, and the other was a check-off. It was only after we called attention to the fact that a health fund would be impossible that the Senator from Virginia subsequently modified his amendment to provide that those funds are lawful, but he prohibited the funds being administered entirely by the employees, and he provided further that management must have equality of representation in the administration of the fund.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TYDINGS. A recent reading of the Byrd amendment in its last form leads me to the conclusion that it does not prevent the setting up of a welfare fund. Does the Senator find himself in accord with that statement?

Mr. PEPPER. Yes.

Mr. TYDINGS. However, the Byrd amendment does provide how the fund is to be administered. It places certain limitations upon the raising of the fund, and how the fund is to be administered after it is raised. Does the Senator agree with that statement?

Mr. PEPPER. The Senator is correct.

Mr. TYDINGS. Therefore, what we have in this amendment is a difference as to the method of raising the fund, a difference as to the administration of the fund after it is raised. If the restrictions were taken off, the method of raising the fund which, in effect, would be con-

tributed to by the workers, the employers, and the public, depending on how we might argue the economics of the situation, I was wondering if it would be possible to agree on the administration of the fund by the workers, by the operators, and by the public. In that connection, so that I may not be misunderstood, I do not suggest establishing another Washington bureau, but merely that the workers and employers agree together on who shall be the third party to participate in the administration of the fund.

Mr. PEPPER. Mr. President, I wish to see a fair method provided for the administration of the fund. But my whole complaint is that it is wrong for the Congress to try by statute to lay down the detailed method by which the fund shall be administered. It is a proper subject of collective bargaining. I believe in the freedom that both management and labor would enjoy in trying to work out a mutually agreeable plan.

Mr. TYDINGS. That is a fair point of view. Let me say to the Senator, however, that when the miners are represented, when the operators are represented, and when the public is represented, the odds are very high, indeed, that the major objective, which is the proper administration of the fund, will be attained. I do not disagree with the Senator that the discriminations mentioned can be argued against very persuasively and with a great deal of conviction. Instead of imposing restrictions on the administration of the fund, I am trying to insure that everyone who should be represented will have a voice, so that the funds will be fairly administered.

In that connection, if we could remove the restrictions on the method of raising the money—which, in my opinion, is rather laboring the mule to death, because that is not what is in issue here, as the public is going to pay for it—we might bring all these divergent groups into position without anyone surrendering any fundamental principle in the process.

Mr. PEPPER. I thank the able Senator, and I recognize his desire to see a fair administration of the health funds, since they will be more numerous, no doubt, as the years pass.

What the Senator from Florida wishes to emphasize is that he does not think experience has shown that at the present time we need to step into this field. I do not think of any abuses which have been brought to my attention which show the necessity of Congress interfering with the right of management and labor to bargain freely and collectively in this field. I feel—and the Senator from Virginia can complain about my impression if he wishes to dispute what I say—that the amendment was primarily aimed at the fact that John L. Lewis made, as a condition to the reexecution of his contract, the demand that the management agree in principle to a health and welfare fund, and related it to the number of tons of coal mined, so much a ton. I believe the figure 10 cents a ton was mentioned.

I say that we should not legislate in that way. We have not had any hearings before any committee of the Congress, so

far as I know, which show that the plans which are now in operation have worked out unfairly, that there has been an abuse of administration when management has administered the fund or when labor has administered it, or when private insurance companies have administered the plans.

Labor, feeling that way about it, is going to feel that what is proposed would be an unfair interference with their freedom of collective bargaining. I emphasize again that it is going to be like many of these other amendments, it is going to embitter labor more than they are embittered at the present time, it is going to cause more strikes instead of less, it is going to create more animosity than there is today, it is going to produce industrial disharmony rather than industrial peace in the economy and the political and social life of this country.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MAGNUSON. Of course, the Senator shows the futility of trying to handle this matter by legislation, and I wish the Senator would also point out that health and welfare funds today in this country are in process of negotiation between many companies and employees. There are voluntary contracts in existence. If adopted, the pending amendment, even in its revised form, would absolutely void all those agreements which have been arrived at in harmony between the employee and the employer with respect to the administration of the existing funds, and would force them to set up what the Senator from Virginia thinks should be set up in the administration of the funds.

The Senator from Florida is correct in another respect. There are many employers who would like to have their employees have health and welfare funds. They would like to contribute to them, but they would prefer that the employees have the responsibility of administering the fund. This amendment, if adopted, would change all that. I know a small concern in my home town the owner of which contributes to a health and welfare fund, in fact both the employer and employees contribute a certain percentage. But this man does not want to have anything to do with the administration of the health and welfare fund. It has turned out that the employees administer it well. They enjoy it. They use it for several purposes, and the employer is glad to be relieved of the responsibility, although he likes to contribute.

The Byrd amendment would put a strait-jacket on all those agreements entered into under voluntary bargaining. The Senator from Florida pointed out the other day that there are many such agreements in process of negotiation. This is not a new idea, and I venture to state that in the next 5 or 10 years practically every large industry will have similar funds, and they can arrive at them in a voluntary way. My point is that the amendment would void the present agreements.

Mr. PEPPER. I am glad the Senator from Washington has emphasized that, although the Byrd amendment has been

amended again and again and again since we have been discussing it in the last few days, it still does not have any reservations providing that the plans already in existence, arrived at by collective bargaining, by which over 200,000 people are now affected, may continue to operate and be administered by the employees themselves without the management having any voice in the representation. It would make illegal, it would outlaw, the plans under which some 200,000 workers today are receiving health and welfare care from a pay-roll tax, under a plan arrived at by collective bargaining.

Mr. TAFT. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. TAFT. I wish to call attention to the fact that under the Byrd amendment no contract is voidable. This provision appears on page 5:

This section shall not apply to any contract in force on May 15, 1946, during the life of such contract.

It would require a readjustment of the administration at the end of the particular collective bargaining contract.

I may say, further, that I think every fund that is mentioned in the particular pamphlet referred to by the distinguished Senator from Florida is authorized by the amendment, as changed, with the exception of the single question of the administration of the fund. There are some of the funds—not many, but some—which are administered solely by the union.

Mr. PEPPER. About one-third.

Mr. TAFT. On the other hand, the administration of those funds is not in any event an important question, because in every case, so far as I know, the benefits are very carefully spelled out, the underlying basis is completely detailed in the contract, and the administration is simply a question, as a rule, of applying it to Mr. A, if he is entitled to it, or Mr. B, according to the circumstances back of the particular case.

Personally, I think overemphasis is placed on the question of administration in the amendment and also in the discussion. But I wish to point out that I do not think any substantial change in any existing fund will be required under the amendment, except as to the one question of administration, and I do not believe that is very important.

Mr. MAGNUSON. That is the very point we make: it is only as to administration. I do not know what the Senator is reading from. There have been three or four amendments. The last one I read did not provide what the Senator from Ohio suggested.

Mr. TAFT. The important distinction, I think, between the proposed fund of the coal miners and the other fund is that in this case permission is asked to set up a fund representing, probably, three times as great a percentage of the pay roll as any other fund, and the demand is to leave it to the discretion of the union as to what it shall be used for, and in what amount, covering every field, so far as I can see—housing, welfare, education, anything the union may decide it wants to spend the money for.

It seems to me the main point is that there should be a definition, and the definition contained in section 3 (a) is broad enough to cover every existing fund and would justify the setting up by the coal miners of a more extensive fund, if they wished, than that set up under the existing plan described in the amendment.

Mr. PEPPER. But I think the able Senator from Ohio will agree that we have had no hearing on this subject in the Congress, no committee has made a study of the subject, and the whole thing was provoked by the understanding in the Congress that John L. Lewis had made a health fund, administered by the union, a condition precedent to entering into a new contract with the coal operators.

Mr. TAFT. I think it is fair to say that is so. Yet this question has arisen when the bill is on the floor of the Senate, and I at least have tried to make as complete a study of it as possible, and I think many other Senators have done so.

Whether we shall permit a fund of \$70,000,000, or whatever it may be, but in any event a tremendous sum, to be paid over by the employer to a union, without strings, raises a great many questions and is a matter which I think requires to be dealt with. It is different from anything we have had before.

In the first place, what about the tax situation? Can an employer pay money into the air on which no one is ever going to pay any tax? That question has not been considered. I may say there are many employers' trusts, mostly pension funds and health benefit funds set up by the employers, and under Federal law, section 23 (p) and section 165 of the Internal Revenue Code, we have regulated them in detail because we recognized that such things may be abused by the employers. In this case it is obvious that the particular kind of fund proposed may be abused by the union. It seems to me we have reached the point when we should legislate on the subject, and I think the proposal made in the Byrd amendment is a very reasonable one. I do not see any objection to it. I do not consider that it will stand in the way of the establishment of any reasonable health fund which any union may wish to establish.

Mr. MAGNUSON. Mr. President—

The ACTING PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Washington?

Mr. PEPPER. Those pension funds and health benefit funds set up by employers and regulated under the Internal Revenue Acts are regulated to prevent evasions by employers of tax statutes. The welfare funds in question under the amendment require no such regulation for income-tax purposes as far as administration by the unions is concerned. The two situations are not analogous. I yield.

Mr. MAGNUSON. The Senator from Ohio has probably pointed out the very reason for the argument of the Senator from Florida, namely, that the whole subject is extremely complex. The reason this legislation is here is because of the coal situation. In my State we are remotely connected with that. We have some such funds as the one here pro-

posed. I think all these things ought to be brought in. A proper hearing on them should be had. Perhaps the Senator from Ohio is correct in his position. But we are legislating for every employee and every employer in the Nation, whether he mines coal or makes bricks or does anything else.

Mr. TAFT. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. TAFT. The difficulty is this: When the 18½-cent standard was laid down it was followed almost universally throughout the United States. Now we have the same sort of thing presented. If this kind of a wide-open fund is established in connection with the negotiations in the coal strike it is likely to be followed in the case of every union and in every other case throughout the United States. It seems to me that the best time to legislate is right at the beginning.

Now as to the correctness of the amendment. I think it is the best thing that can be done. I think what it does is done on the basis of sound principle. But if the Senator from Florida has any specific objections I would certainly be willing to listen to them.

Mr. MAGNUSON. Does not the Senator think we should consider and bring in all others affected, and not only consider the subject in the light of the coal strike?

Mr. TAFT. I think we have to consider and decide it ourselves in the long run. We have a very detailed knowledge of these different funds, and I feel quite confident that the language of the amendment is broad enough to cover every fund in existence. After some contracts expire there may have to be adjustments made in the matter of the administration of the fund.

Mr. AIKEN. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. AIKEN. It seems to me that while there is considerable merit in the argument of the Senator from Ohio, nevertheless we should not consider this legislation in terms of dealing with a \$70,000,000 fund or any fund anywhere near that size. We should have to be very careful in our consideration.

Mr. TAFT. It is a 7 percent pay-roll fund, and no other such fund, so far as I know, exceeds 2 or 3 percent.

Mr. AIKEN. Yes. Here we have a \$70,000,000 or 7-percent fund in mind in considering the amendment. Whereas most of the funds are more likely to run \$100,000 than they are to \$70,000,000. The amendment provides that the employers and employees shall be equally represented in the administration of the fund, but I can easily conceive of instances where one side or the other would not be particularly concerned with the fund so long as they considered it to be in honest hands. So I wonder if provision could not be made whereby either party could waive its right to equal representation if it did not want to be bothered with it. There are instances of an industry being owned by only one person, and while of course that person could delegate his representation, if he were on

very good terms with his employees, as the majority of employers are, he might well say that he did not want to be bothered with it. On the other hand, I can conceive of cases where the employees, having full confidence in their employer, who perhaps has built a hospital for their benefit, would say, "We are perfectly content to let Mr. Jones or Mr. Taft or Mr. Pepper," or whoever their employer might be, "handle it for us." It seems to me it would be a simple matter to amend the language so that either side might waive its rights.

Mr. TAFT. Mr. President, will the Senator again yield to me for a moment?

Mr. PEPPER. I yield.

Mr. TAFT. It seems to me that the matter of waiver would not be difficult. There is a representative, and if one party wants to waive his rights his representative does not need to appear. It seems to me to be a simple matter to waive one's right once the fund is set up, if one wishes to do so.

Evidently the Senator from Florida agrees with the general idea that there should be some limitation on the kind of plans that can be set up, because the Senator in his substitute amendment requires that there must be an approved plan, and that, as to health, it must be approved by the Surgeon General of the United States, and as to other things by the Secretary of Labor. So the Senator recognizes that regulation is required for this kind of a plan, only he proposes to do it by delegating it to somebody else to do, which is contrary to the kind of legislation I believe to be wise. So we propose to outline in the amendment itself the substantial basis on which the plan must be worked out.

Mr. AIKEN. Mr. President, will the Senator again yield to me?

Mr. PEPPER. I yield to the Senator from Vermont.

Mr. AIKEN. I think we all agree on the advisability of encouraging employers and employees to set up hospital and health funds and work together in the administering of such funds, and it seems to me that, having agreed on that, it is a simple matter to get together and work out some plan that is fair to all, instead of spending a great deal of time in arguing on the extremes of the question. I believe that if we can agree on working out the matter of health and welfare funds we could also get together and iron out a great many of the other problems which come up between employers and employees much better than we have been able to up to this time.

Mr. PEPPER. I thank the able Senator very much. I want to call attention to the fact that even the mine operators say that the provision of this health and welfare fund is a matter of public concern. They say:

It is a matter of public concern and is therefore a problem that should be considered not by this wage conference but by public legislative bodies and then only after a complete and thorough investigation by such legislative bodies of all the problems involved.

It is said in the statement by the employers, "This proposal presents to the conference a new social theory." Yet we are expected to write legislation here on

the Senate floor without even a hearing, without even deliberations, without any discussions among any appreciable group among the Members of the Senate and the House. Even the mine owners say it is a problem of such complexity that it should not be dealt with except after long and careful consideration.

Mr. AIKEN. Mr. President, will the Senator again yield?

Mr. PEPPER. I yield.

Mr. AIKEN. I may also add that I can conceive of instances where neither the employers nor the union would handle the funds, but might arrange with the local hospital or medical association to handle the funds for them. It seems to me that we ought not to be restrictive with respect to how the funds are handled, so long as there is some requirement that a proper accounting of the use of the funds be made. I do not pretend to know what the wording of the amendment should be, but I do know that it is possible to work out an amendment which will be fair to all parties and be a credit to the Senate when we adopt it.

Mr. PEPPER. The Senator from Vermont is absolutely correct. If we acted deliberately here, the way we are supposed to legislate, it would be a simple matter to work out legislative proposals that would protect against abuses both to the operators and the employers altogether.

Mr. President, if it were proposed that any health fund provided by any management would have to have the approval of the Surgeon General or of the Federal Security Agency, I should not object to that at all. They would give some public scrutiny of the plan, and would see to it that the amount was not excessive, that the facilities were appropriate, that the administration was adequate and responsible. I can understand that kind of legislation. But that is not this amendment. That is not the spirit in which this amendment is drafted. That is not the purpose of it. The purpose is to keep the employees from administering the fund. Not to see to it that they account to somebody, either to their members or to a public official; not to see to it that they do not squander the fund. The thing is that management must be given the same voice in the administration of the fund, although it is for the benefit of the workers themselves.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. I want to point out a way by which the workers, if they wish to have complete control of the fund, may obtain it. They may do it this way: Instead of the coal miners demanding that this fund be paid in to the union by the employers, they might say to the operators, "Add 7 percent to the pay roll of every man, and agree to check off 7 percent into a fund." Under those circumstances a fund could be set up of which the employees would have complete charge. There is nothing in this amendment which would in any way prohibit such a fund. Of course, what would happen is that the employees would have to pay an income tax on the additional 7 percent and they would

know that the union was taking 7 percent of their pay away from them; therefore, the union leaders do not want it, because they know that most men would rather have the 7 percent in their own pockets than pay it to a union for a welfare fund of any kind. It would be a tremendous payment. But any union which wishes to have complete charge of the fund could, through the check-off system under this bill, by adding that amount to the pay roll, set up a welfare fund and have it administered by the union itself.

Mr. PEPPER. I wish to invite the attention of the able Senator from Ohio to subclause (2) on page 2, which defines the check-off. That is limited to the payment of dues to the labor organization; and I do not think that we could bring a health or welfare fund under the head of payment of dues to a labor organization.

Mr. TAFT. The Senator has omitted the words "or other membership fees." The unions could easily levy membership fees, requiring every member to pay 7 percent to the union. So I think the term "dues or other membership fees" is broad enough to cover such a payment.

Mr. PEPPER. I am afraid I cannot agree with the Senator, in view of the fact that in the following numbered clause there is set out an elaborate procedure to deal with the subject of health and welfare funds. Certain restraints and restrictions are laid down. I do not believe that the Senator could find a court which would construe "other membership fees," when used as an alternative to dues, to be broad enough in scope to cover the kind of health and welfare fund about which we are speaking.

Mr. TAFT. The amendment does not prohibit anything except payments directly by the employer to the union, bypassing the employee. That is all that is prohibited by the amendment. The limitation on welfare funds applies only to welfare funds created in that way. It is in no way a limitation on welfare funds set up by the employees themselves, and paid for by the employees themselves, either through the check-off or otherwise.

Mr. PEPPER. If we are contemplating that all the money should be put up by the employees themselves, I suppose that, even under the Byrd amendment, the workers could still do what they wished to do with their own money.

Mr. TAFT. If we are to demand 7 percent from the employer, we can demand it from the employees as well. So it would not cost the employees any more than it costs today, except for the income tax on the 7 percent.

Mr. PEPPER. The Senator from Florida may subject himself to another charge by the able Senator from Virginia of being some odious animal if he says it; but I will say that it is the opinion of the Senator from Florida that, if the workers did make such a demand, the next time the Senate met the Senator from Virginia or some other Senator would propose to make it illegal.

Mr. TAFT. I would be opposed to making such a thing illegal, and I would be very glad to vote against such a proposal

and assist in defeating it. I do not believe that the Senator from Virginia would propose it. This amendment is aimed at one thing, namely, bypassing the employees by paying money directly to their representative, who is supposed to be bargaining for them. I believe that such a system presents the possibility of great abuse.

Mr. PEPPER. The abuse can be adequately cured by requiring that such funds be under the supervision and scrutiny of some public official, either State or Federal. Then adequate safeguards by such supervisory administration can be thrown around the use of the money. We do not have to deprive the workers of the right of collective bargaining to provide a health fund to be administered by the representatives of the workers. We do not have to deprive them of the right they now have. We do not have to invalidate all the contracts which 200,000 workers now have, and which were arrived at by collective bargaining, under which they administer their own health and welfare funds. We do not have to do that in order to legislate upon this subject today.

Mr. President, a few minutes ago I was reading from an editorial in the United States News. I had pointed out that the editorial emphasizes the fact that—

The operating managers collect dues by the ton from their members and, by the terms of a special law of Congress, they can add to the sales price the expenses of their associations or trade bodies. They can fix prices in peacetime without running up against the Sherman anti-trust law. They have certain immunities granted to no other industry.

Mr. Lawrence says that we have also enacted a law permitting them to fix prices, which other industries cannot do. Is anyone proposing to repeal that permission? Mr. Lewis is not demanding that such provision be taken out of the law. None of us on this side are complaining about that. Nor are we complaining about the fact that they can levy what is in substance a tax. I do not think it is a tax, and I do not think it should be called a tax, but that is what the other side has been calling this kind of a health levy. They can levy this kind of an imposition upon their members, and can pass it on to the public, and spend it as they please, without anyone, public or otherwise, having anything to say about how they spend it, without the employees who help to mine the coal having anything to say about how they use it for corporate purposes. No one is proposing that they be denied that right. Yet somehow or other it is desired to do something against labor; and consequently we are told that it must be made illegal for labor to administer a health fund. We are told that management must have half of the administrative authority, and that there must be a labyrinth of rules, regulations, and requirements as to how the fund shall be employed. Management would have the right every year, when these agreements were made, by disagreeing with the employees, to alter the whole fund, because there would be no effective authority for its administration.

Mr. Lawrence continues:

They can fix prices in peacetime without running up against the Sherman antitrust law. They have certain immunities granted to no other industry.

Whatever these expenses, the owners may add them all to their prices.

I am not going to emphasize that they may also add all their traveling expenses, their hotel expenses, and their advertising expenses. They may also add into their expense accounts, as many corporate executives do, a sum of money used for political purposes. Everyone knows that it is a subterfuge for corporations to get around the law prohibiting them from contributing to political campaigns, to take the money in dribbles out of the expense accounts of many of the corporate executives. That, too, is permitted under the existing law, and no one is trying to deprive them of that privilege. Those expenses are added to the price of the commodity and passed on to the public. They are also deducted from income taxes, and taken away from the United States Treasury. Yet, Mr. President, we are not complaining about that. But we are saying that there ought to be justice in the way we deal with management and with labor, and that justice is not the spirit of the amendments which are pending at the present time, as against labor.

Mr. Lawrence continues:

They, for the most part, are not conducting their businesses at a loss. They are getting in most instances a "fair return." The public pays the bill, and the public must insist on a fair return to the miners, too. It is unfortunate that it takes a strike to bring out the issues.

#### A FIGHT FOR A WELFARE FUND

Nationalization of the mines would be a confession of defeat on every side. The answer to every difficult problem is not to turn it over to the State. The Government must continue, of course, the intervention it has already begun in the coal industry, but it must see to it, by a system of regulation, that the miners and the owners do not damage the interests of the public.

It was argued by the operating managers that John Lewis had not been willing for weeks even to discuss wages and hours until the welfare fund was disposed of.

I wish the Senator from Illinois [Mr. LUCAS] were present, because he has expressed an interest in this subject.

The impression was broadcast that Lewis wanted a fund which he or the union could alone administer. Lewis took the position that he wouldn't discuss administration of the fund at all or anything else about it until the "principle" of the fund was accepted by the operators. This is not a desirable use of the collective-bargaining process, because all issues should be discussed from the outset. Yet it does indicate the extreme to which Lewis felt he had to go in order to get recognition of the principle.

#### COAL BELONGS TO THE PEOPLE

Some solution whereby the Government administers the fund in an advisory capacity, together with operator and union representatives—as is done under the Railroad Retirement Act—could be worked out.

Almost everybody concedes that safety measures and an accident compensation plan are essential. It should not be difficult to reach a settlement provided the mine owners do not come to think that Government seizure wins a strike.

The President has been reluctant to seize the mines because of a belief that this might not persuade the miners to go back to work. He has known for some time that when the mines were seized, he would have to assure the workers somehow that the principle they were asking for would be recognized. The Government had to propose a plan that would appeal to the miners as a possible solution. For when they go back to work in seized mines, their leverage, of course, is gone. Their trust must be in the good faith of a Government which asked them to go back to work without a contract. The 2-week truce merely postpones but does not settle the issue.

The coal underground is needed by the American people. It belongs to them as much as it does to any group of owners.

Property rights are sacred only when those who hold them do not exploit or unduly burden their fellow men.

With ownership, as well as with labor, there must be a sense of responsibility. With Government there must be a sense of fairness, and always there must be good faith. The Government must act in behalf of the people and with justice and equity to all.

I submit that that is a very fine statement of the attitude in which this subject should be approached; but, I ask, is the subject approached in spirit by these restrictive amendments?

I wish to read a statement which was sent here by Mr. Lewis. It came to me through the chairman of the committee. Mr. Lewis vouches for the accuracy of it. I give his authority for what it may be worth. This is at least a part of his statement:

The United Mine Workers of America have stated to the coal operators that all their demands for health, welfare, and safety are negotiable.

The coal operators state they will not negotiate upon health, welfare, and safety and condemn the miners for their refusal to negotiate wages and hours. To the miners, health, safety, and welfare come first. Too many years have been wasted, too long have we waited now. What good are wages and hours to people living in filthy, unsanitary conditions where the doctor's bill takes the best part of the wage? What are wages and hours to the thousands of crippled mine workers, widows, and orphans living upon charity because the coal operators have extracted the last ounce of their earning capacity and thrown them aside as useless?

The coal operators have gone to Congress and Congressmen on the floor of the House have responded to their wishes by proclaiming the Mine Workers' leaders as dictators and responsible entirely for the workers being off the job. What man in Congress can force one or four or five persons to give up their means of livelihood at a given word? None probably, and neither can the leaders of the miners force one man to quit his job, starve his family and place himself at the mercy of his employer, who is his landlord, his storekeeper, his doctor, druggist, lord and master in the isolated coal camps of America. The 400,000 miners who walked off the job on April 1 did so because the coal operators of America refused to sign a contract embodying the demands made by their representatives in convention and adopted by the men themselves in their local union meetings. Their elected policy committee in Washington has ordered the officials to stand firm in their demands that health, welfare, and safety come first.

Members of Congress have demanded that the coal miners return to work at once regardless of contract. They say the miners are endangering the health and welfare of the Nation. What of the health and welfare of the miners who live under conditions that

the average American citizen would refuse to tolerate for one minute? Who is responsible for the shutdown, the people who demand they be allowed to live like human beings or the people who demand they continue to live in filth and unsafe and unsanitary conditions?

The coal operators have told the Congress that the mine workers refuse to bargain. Here are the resolutions introduced by the miners in the joint conference and rejected by the coal operators. How unreasonable do they look to you?

Here is a resolution which was proposed, he says, on March 27, 1946:

*Resolved*, That in the event no wage agreement has been negotiated before the date of expiration of the existing agreement that the joint conference authorize the continuance of work by all necessary maintenance men: *Provided*, That such men shall be paid the present wage for their services in their respective classifications, plus any increase or adjustment that may come in the working out of the base agreement which shall be retroactive as affecting these men as of April 1, 1946. Execution of this policy is the responsibility of the representatives of the operators and representatives of the United Mine Workers of America in their respective districts."

Resolution adopted by the conference.

There was also a sanitation resolution, a Federal mine inspection resolution, a safety committee resolution, another sanitation resolution, a wash-house resolution, an explosives resolution, a house-lease resolution, a discount resolution, a house-coal resolution, and a workmen's compensation resolution.

Mr. President, I ask unanimous consent that these resolutions may be printed in full at this point in the RECORD, as a part of my remarks.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

#### MAINTENANCE RESOLUTION

(March 27, 1946)

*Resolved*, That in the event no wage agreement has been negotiated before the date of expiration of the existing agreement that the joint conference authorize the continuance of work by all necessary maintenance men: *Provided*, that such men shall be paid the present wage for their services in their respective classifications, plus any increase or adjustment that may come in the working out of the base agreement which shall be retroactive as affecting these men as of April 1, 1946. Execution of this policy is the responsibility of the representatives of the operators and representatives of the United Mine Workers of America in their respective districts."

Resolution adopted by the conference.

#### SANITATION RESOLUTION

(March 29, 1946)

"It shall be a violation of contract for any operator to permit contamination of drinking water used by occupants of company houses or rented domiciles, through drainage from urinals, closets, privies, or stables. Urinals or privies shall not be nailed or attached to the exteriors of company houses. All privies shall be located distant from occupied domiciles and shall be so constructed that privacy will be insured, and the eyes of passersby and tenants will not be offended. The operator shall be responsible for the removal of night soil and the sanitation of all inhabited areas owned by the mining company."

The operators rejected this resolution.

#### FEDERAL MINE INSPECTION RESOLUTION

(March 30, 1946)

"Both operators and miners agree that the recommendations of the inspectors of the Bureau of Mines under the Federal Mine Inspection Act as to safety conditions and practices be accepted and put into effect within a reasonable time after being so made, with right of appeal and review by either party of any major controversial recommendation to the Director of the United States Bureau of Mines."

The operators rejected this resolution.

#### SAFETY COMMITTEE RESOLUTION

(April 1, 1946)

"At each mine there shall be a safety committee. This committee shall be selected by the local union. Its membership shall consist of a maximum of three mine workers on each coal-producing shift who shall have no less than 5 years' experience. No member of the mine committee shall be a member of the safety committee.

"The safety committee shall have the right to inspect any mine development, or equipment, used in producing coal, for the purpose of observing its safe or unsafe conditions, in accordance with law or sound mining practices; when such questions are brought to its attention or when, in the judgment of the members of the safety committee, such inspection is necessary. Such committee members while engaged in the performance of their duties shall be deemed to be acting within the scope of their employment as employees of the operators, within the meaning of the workmen's compensation laws of the State where such duties are so performed. If the committee believes conditions found endanger the life and bodies of the mine workers, it shall report its findings to management and when any immediate danger threatens, the committee shall have authority to remove all mine workers from the unsafe area.

"Each safety committee shall keep a record of all inspections, findings, and recommendations."

The operators rejected this resolution.

#### SANITATION RESOLUTION

(April 9, 1946)

"On or before Thanksgiving Day, 1946, all operators signatory hereto shall, at their own cost and expense, install in all company or rented domiciles adequate systems of running water, bath facilities, and garbage collection, and sewage disposal systems. Failure of any operator to so install such facilities and systems within the time designated shall be deemed a violation of this agreement."

The operators rejected this resolution.

#### WASH-HOUSE RESOLUTION

(April 9, 1946)

"Operators signatories to this agreement shall provide and keep in repair a wash house, convenient to the principals, main entrance, adequate for the accommodations of the employees for washing and changing their clothes, when entering and returning from the mine.

"Such wash houses shall be properly lighted and heated, supplied with warm and cold water, and adequate and proper facilities for washing purposes without charge."

The operators rejected this resolution.

#### EXPLOSIVES RESOLUTION

(April 9, 1946)

"All explosives, powder bags, cables, detonators, batteries, fuses, and other accessories used in blasting, hats, caps, goggles, special shoes, and rubber boots, tools, and all other safety equipment shall be union made and

furnished by the employers without charge to the mine workers."

The operators rejected this resolution.

#### HOUSE-LEASE RESOLUTION

(April 9, 1946)

"Notwithstanding the provisions of any house-lease agreement, either written or oral, whether now existent or hereafter effectuated, between any operators signatory hereto and individual mine workers, the operators agree (1) that the relationship thereby created is that of landlord and tenant and shall be so construed in any dispute arising therefrom, and (2) that the rights of the parties thereto shall be governed by the laws relating to landlord and tenant in the State in which the leased rental property is situated, and no person shall be evicted from the house he occupies upon less than 30 days' written notice served upon him in the same way that other legal process is served."

The operators rejected this resolution.

#### DISCOUNT RESOLUTION

(April 9, 1946)

"All employees shall have a discount of 10 percent on all goods purchased at company stores. With respect to work clothing and equipment used in the mines the discount shall be 20 percent."

The operators rejected this resolution.

#### HOUSE-COAL RESOLUTION

(April 9, 1946)

"All coal for home usage purchased by employees of signatory coal companies shall be sold at actual cost of production."

The operators rejected this resolution.

#### WORKMEN'S COMPENSATION RESOLUTION

(April 10, 1946)

"Each operator agrees, at its own expense, to provide its employees with the protection and coverage of the benefits under workmen's compensation and occupational disease laws, whether compulsory or elective, existing in the States in which the respective employees are employed. Failure of any operator to perform this obligation shall be deemed a deliberate violation of this section of the agreement and such failure may be handled at the discretion of the mine workers. Stoppage of work by the mine workers, due to an operator's failure to provide this protection and coverage, shall not be deemed an illegal suspension of work."

The operators rejected this resolution.

Mr. PEPPER. Mr. President, I desire to conclude my remarks; but before I do so, inasmuch as the lunch hour is over and Senators could come back to the floor, I shall ask that a quorum call be had, and then I shall desire to finish my remarks in a few minutes.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Capper	Hart
Austin	Connally	Hatch
Ball	Cordon	Hawkes
Bankhead	Donnell	Hayden
Barkley	Downey	Hickenlooper
Brewster	Eastland	Hill
Bridges	Ellender	Hoey
Briggs	Ferguson	Huffman
Brooks	Fulbright	Johnson, Colo.
Buck	George	Johnston, S. C.
Bushfield	Gerry	Kilgore
Byrd	Green	Knowland
Capohart	Gurney	La Follette

Langer	O'Mahoney	Thomas, Utah
Lucas	Overton	Tobey
McCarran	Pepper	Tunnell
McClellan	Radcliffe	Tydings
McFarland	Reed	Vandenberg
McMahon	Revercomb	Wagner
Magnuson	Robertson	Walsh
Mead	Russell	Wheeler
Millikin	Saltonstall	Wherry
Mitchell	Smith	White
Moore	Stanfill	Wiley
Morse	Stewart	Wilson
Murdock	Taft	Young
Murray	Taylor	
Myers	Thomas, Okla.	

The ACTING PRESIDENT pro tempore. Eighty-two Senators having answered to their names, a quorum is present.

Mr. PEPPER. Mr. President, if I may have the attention of Senators for just a few minutes, I wish to conclude my remarks.

I desire to correct a statement I made a few minutes ago when I said that the data from which I read came from Mr. Lewis. I am informed that the resolutions to which I referred are the official resolutions which were considered by the coal conference, and that what I read was a copy of the secretary's notes and minutes.

Again I say I am not here to defend John L. Lewis; but the other day a Senator expressed the opinion that Mr. Lewis has refused to discuss anything until the health fund is provided. I hold in my hand what, according to the official records of the conference, are 11 resolutions which were submitted to the conference by the mine employees or by the miners' representatives. I believe that one of the resolutions was adopted. The others were rejected, but I referred to them in order to show that the representatives were not merely sitting adamantly, reading newspapers, and refusing to take part in any discussions whatever, but, on the contrary, they offered various resolutions, 1 of which was adopted and 10 of which were rejected by the conference. In his statement, Mr. Lewis said that he had at all times been ready to negotiate with management the matter of a health fund. I referred to that matter because, as I have already said, the amendment was addressed primarily to the coal strike.

Mr. President, our substitute amendment would declare it to be the policy of Congress to encourage and facilitate health and welfare plans in the industrial enterprises of this country. It would recognize the free American principle of freedom of action on the part of management and labor in arriving at a plan satisfactory to them both. The Byrd amendment would deny such rights and privileges. It would limit the freedom of action which the workers would have in working out a plan. Our amendment would be in the interest of more health care for the persons who work in this country, and I believe the Byrd amendment would be in the interest of reducing such health care.

So, Mr. President, the Senate is faced with the necessity of making a choice. Do we want to help persons or keep them down? Do we want to discriminate against them, or deal with them without discrimination? Do we want to impose restrictions upon labor which are not

imposed upon management? If we do, we will vote for the Byrd amendment, which penalizes labor and does not affect any of the immunities which management enjoys in connection with the operation of coal mines.

Mr. President, do we want to assume an unsympathetic attitude toward persons who live in privy-contaminated hovels? Do we want to tell those persons that they may not better their conditions by effective collective bargaining? Do we want to impinge upon their civil rights as citizens? Do we want to return them to the status of slaves and serfs? Do all of us—the Senator from Virginia, the Senator from Florida, and other Senators—wish to continue living in our fine houses? If he wishes to do so, the Senator from Virginia may call me a skunk for asking the question. Do we wish to live in luxury, affluence, wealth, comfort, and indulgence, and at the same time denounce, condemn, and damn the men and women of this country who are trying to fight their way out of the conditions under which they are now required to live?

Mr. President, we are making history in the Senate and we are writing a record. I remind Senators of the poet of the East, Omar Khayyam, who said:

The Moving Finger writes; and having writ,  
Moves on; nor all your Piety nor Wit  
Shall lure it back to cancel half a Line,  
Nor all your Tears wash out a Word of it.

I do not mean to do other than to remind Senators that we are writing our political records. We are telling the people where we stand. Working men and women are being battled against today, and they are calling their friends to their support. Those who betray them now will be remembered.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. Mr. President, I will withdraw the word "betray" if the Senator from New Mexico wishes me to do so.

Mr. HATCH. Mr. President, I was merely wondering if the Senator was making anything in the nature of a threat to other Senators.

Mr. PEPPER. No, no, Mr. President. I do not want to have any controversy with anyone. I merely wish to state my own views. If I used the word "betray" in an incorrect manner, I withdraw it.

I assert, Mr. President, that the working men and women of America are fighting with their backs to the wall, because there is a crusade in this country to strangle them economically and to make them impotent. There is now pending in the Senate proposed legislation which recently came from the other House, and there will be proposed other legislation which, if enacted, would emasculate the bargaining capacity of the laboring men and women of this country. Those who do not stand by them now will be forsaking them in their hour of darkness. Those men and women will remember us, because they keep a record.

Mr. President, I have already said that I believe the Smith-Connally bill was a mistake.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. I do not wish to engage in a controversy with the Senator. I merely say that, as I have interpreted his remarks, he has made a direct threat, not an implied one but a direct threat, to every Member of this body. Personally I do not react to threats.

Mr. PEPPER. Mr. President, I have made all the apologies I intend to make. I have tried to be gracious to every Member of this body, but I feel as deeply about this matter as do some other Senators. I assert that today we are writing our record. We are indicating whether we wish to help the working men and women of this country or whether we do not wish to help them. If the question is one of the abuse of power, and the manner in which we shall curb such abuse, I shall be glad to consider any amendment which goes directly to the question. It is the health fund amendment which is now under consideration, and none of the amendments yet proposed would outlaw the right to strike. None of them provide for compulsory arbitration, or any coercive force to be exercised against the stoppage of work. They are aimed at restricting the bargaining power and freedom of collective action on the part of the workers of this country through their duly chosen representatives.

What I say may be called by Senators a threat, or a reminder, or an admonition, or a petition. I hope that Senators who have feelings of humanity coursing through their hearts will be on the side of the needy, the sick, and those who are illy cared for. Senators who have not been convinced of the necessity for legislation of the type which I have proposed will stand against those mute millions of Americans who have committed no wrong except that of attempting to better themselves in the American way. All they are asking for is fairness and justice at the hands of their Congress. They are asking that we legislate without heat and without vindictiveness. They are asking that we continue to be, as they think we are, the greatest deliberative body in the world. They are asking that we try to be fair to them.

Mr. President, when we weigh this controversy in that spirit and in that light, and think about those working men and women as well as about management and the persons who write editorials and news articles, I believe that we will not be willing to adopt some of the restrictive amendments which have been offered and which would make it an unfair labor practice for management to bargain collectively with its workers who are seeking the establishment of health and welfare funds.

Mr. President, the Congress passed the Smith-Connally bill. We thought it would stop strikes, but it caused more strikes. We are now being asked to pass an amendment which, in my opinion, instead of causing fewer strikes would cause more. If the amendments in the form in which they have been proposed are passed, I ask Senators to check the record 6 months from now and see whether I have made a correct prophecy in stating that the amendments will do

more harm to the public interest than they will do good.

I appeal, Mr. President, for the adoption of the substitute amendment.

Mr. McCLELLAN. Mr. President, in line with the issue which is under discussion in the Senate, and which has been discussed for several days, and to serve as an answer to some of the arguments which have been made, I ask unanimous consent to insert in the RECORD three editorials, published in the Arkansas Democrat. The first is entitled "Strikes Demand Statesmanship," from the issue of May 9, 1946. The second is entitled "Labor Strife Endangers the Nation," from the issue of May 13, 1946. The third is entitled "Strikes Must Be Curbed," from the issue of May 18, 1946.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Arkansas Democrat, Little Rock, Ark., of May 9, 1945]

#### STRIKES DEMAND STATESMANSHIP

How much longer will Washington stand back, coaxing, deploring, and wringing its hands, but doing nothing effective, while the country is torn up with continual strikes?

We have had strike after strike since the war ended, 8 months of shameful disorder which has crippled the Nation's life. Now, to cap this outrage, we have the coal strike spreading desolation over the land, and into every home. It is throttling transportation, closing factories, stopping the construction of needed buildings, throwing men out of work, and laying a paralyzing hand on every activity necessary to the welfare of our people.

Is this economic anarchy the peace we sacrificed so much to win? Have we got a Government, or just an army of public jobholders, bowing to pressure groups, and gambling with the Nation's welfare to keep itself in office? The first duty of Government is to maintain order, and insure that the life of the Nation can go on. When Government fails in that, it fails in the prime reason for its existence.

Washington is serving nobody with its feeble course—except, possibly, a few labor leaders whose salaries continue, and who may be gaining a pitiful, temporary prestige from the harm they are doing to the entire public.

The strikers aren't profiting. They will be long in making up their hundreds of millions of dollars in lost wages, from the small wage increases they have won over what employers were willing to pay.

Industry and business are taking heavy losses. And the whole public is paying a terrific price in shortages of needs; in the lack of materials for homes and for factories and offices which would provide new jobs; in rising prices which bear hard on every small earner; and in countless discomforts and hardships.

Even if the coal strike were to end today, even if we should have uninterrupted production of every industry, it would be months before the evil effects of the epidemic of strikes were overcome. There's a huge bill to pay the fiddler for this dance of reckless self-interest.

But whatever happens now, there will be more strikes sooner or later. The people should insist that Congress provide a remedy. We want no vengeful legislation thrown together in hot haste. We want a law which will preserve labor's fundamental rights, which will be equally fair to worker and employer, and which will safeguard the public.

Our way of life is gravely endangered. Private wars, economic anarchy, must give way to law and reason, if our democracy is to

endure. Labor has an equal stake in this problem with every other interest. It has as much to lose if our democracy is smashed up by blind greed. We face a peril to all which demands action—not political action, not a legislative club to use on anybody, but wise, cool-headed, fair-minded statesmanship.

[From the Arkansas Democrat, Little Rock, Ark., of May 13, 1946]

#### LABOR STRIFE ENDANGERS THE NATION

Do you remember the high mood in which we finished the war? Everything was going to be fine now. We had saved our way of life. We had proved the virile force, the resourcefulness, the unity, of our democracy.

Soon we'd be busy at our normal affairs, turning out a profusion of goods, building, expanding, creating—the scarcities and hardships of the war forgotten.

And look at the mess we're in today. We're shorter of daily needs than we were during the grim years of fighting for our existence. Returning servicemen are living in garages and hen houses for lack of material to build homes. To this plight we have come, in a land of potential plenty, as the bitter result of 8 months of labor strife since our victory over the Axis.

And think of the grave world situation. The peace is yet to be won. Our leaders are striving for it, trying to fend off the peril of another war—and behind them, enfeebling their words, is a nation bogged down in a strife of unthinking greed. We cannot in that way command the respect of Russia, where everybody is at work. We invite derision for our democracy.

Let us not forget the grim finger pointings of recent history. France was helpless before the German war machine because of strikes which had crippled her production. And earlier, in the 1920's, Mussolini and his handful of Fascists came to power because Italy was torn up, the people's morale shattered, by an orgy of strikes.

We'd better not be so smugly sure that the same evil which brought France and Italy to ruin can do no harm to us. We're in a dangerous world, where we need all of our strength to walk the hair-line of safety.

No reasonable American wants to see the unions "busted." Strong unions are needed to give the worker bargaining power with strong corporations. But just as the corporations had to be brought under the law when they grew powerful, and some of them flouted the public welfare, so the might of union labor must now be controlled in the public interest.

There can be no power left outside of government, whether labor, business, industry, or any other, to make its own rules and set its own conduct—to use the distress it inflicts on the public as a means of gaining its ends. That course gambles with disaster. Government must be supreme—and administered for all the people, with no special favors to any group whatever.

It is the solemn duty of Congress to put labor unions on an equal basis under the law with the big corporations. No hasty act should be passed. The problem calls for deliberate statesmanship—for a wise, fair, just law, which will give us peace at home, and a correspondingly stronger voice in building world peace. We must have order, or we shall have some harsh consequence of falling to insure it. Think again of Italy and France.

[From the Arkansas Democrat, Little Rock, Ark., of May 18, 1946]

#### STRIKES MUST BE CURBED

Any sharp criticism of strikes is certain to bring an irritated response from some union members. There is nothing so surprising in that. Group loyalty is, of course,

one explanation. But another important reason is that many union members are thinking, as humankind is prone to do, in terms of the past.

They have not yet realized that strikes are now a very different thing from what they were not so many years ago. Conditions which formerly gave an air of wild justice to strikes have been removed, or greatly modified in labor's favor. And the Nation has grown so dependent, every group on all others, that an extended strike anywhere inflicts injury on everybody elsewhere.

Labor unions were weak for the most part, in comparison with the big corporations, up into the 1930's. They had, therefore, the public's sympathy for "the under dog." But that is no longer the situation. For the unions, favored by such Federal legislation as the National Labor Relations Act, have grown till today they hold the margin of power. They can kill a small industry. They can cripple the biggest one, if they should so desire.

Furthermore, in years past, the worker was wholly dependent on his job. All he got out of life, for a living, for a period of enforced idleness, for his old age, was whatever his job paid. And the strike was then almost the only effective means the worker had of enforcing a claim for higher pay. In the light of that fact, there was a certain rude logic in strikes, and in drastic picketing to hold the worker's job while he was striking.

But that condition has been enormously changed. The unions are now powerful, and able, under the Labor Relations Act and other favoring laws, to gain any just demand without an anarchy of group force. They are, in fact, legally favored over the employer.

More than that, the worker today has unemployment compensation when he is idle through no arbitrary act of the union. He has this to tide him over while looking for another job. He has workmen's compensation acts in practically all States now, to insure that he is financially cared for if injured, and to provide for his family if he loses his life where he is employed. And he has the certainty of an age pension in his advanced years.

Thus, the old conditions by which labor justified strikes have been practically removed. And the public, which granted all this to labor, is entitled to concessions in return. It can now fairly demand that the unions use their power sanely, that they do not swing it as a brutal club over the heads of the public which has been so generous to the worker.

Let the union member think of how he would feel if the farmer were organized as strongly as he is, and were to shut off his food to enforce a price demand. That is how the public feels about the heedless exercise of union strength, and the power politics of union leaders, which deprive every home of necessities only second in importance to food.

It is the plain, urgent duty of Congress to see that labor's power is used fairly, in a responsible manner, and not to tear down the economic house in which we are all living—labor itself with everybody else.

Mr. BALL obtained the floor.

Mr. PEPPER. Mr. President, will the Senator yield for just a moment? I wish to call attention to a statement of the Senator from Virginia [Mr. BYRD].

Mr. BALL. I yield.

Mr. PEPPER. As I understood, the Senator from Virginia took some umbrage at the statement made by the Senator from Florida that he had understood the Senator from Virginia to state that he had had some contacts with the

mine operators who were engaged in the negotiations with Mr. Lewis. I had understood the Senator to say that on the Senate floor during the first day of the debate. On page 4896 of the RECORD of the 13th of May, appears what the Senator is reported to have said. I had made the statement that I supposed none of us had any information except what we obtained from the press, that we had probably had no personal contact with these people, and I said:

I think we ought to have the issues squarely presented. As I understand, what the Senator from Virginia was agitated about—and perhaps justly so—was something which we read in the newspapers. We are at a great disadvantage in trying to legislate upon a coal strike which we do not know anything about except what we read in the papers. But the Senator from Virginia has the impression from the newspapers—unless he has had private information of which I am not aware—that Mr. John L. Lewis—

The RECORD then reads:

Mr. BYRD. I may say that I have information from some of those who have been engaged in negotiating with Mr. Lewis, which is exactly what I stated on the floor of the Senate.

The Senator from Florida thought that the Senator from Virginia had intended to say by that language that he had had conversations with some of the mine operators who had been engaged in negotiations with Mr. Lewis.

Mr. BYRD. That conforms with my explanation.

Mr. PEPPER. I think the Senator from Virginia will say that that is susceptible at least of an ambiguous construction, if the Senator from Florida was not correct in his inference.

Mr. BALL. Mr. President, I desire to discuss very briefly the pending substitute amendment offered by the Senator from Florida, and the Byrd amendment as modified. I expect later to discuss the various other amendments, particularly those proposed in our minority views, as they are offered.

In view of the fact that the Senator from Florida has spent several days telling the Senate of the terrible things these amendments, and particularly the Byrd amendment, will do to the working people of this country, how they will deprive them of their rights, their civil liberties, and everything else, I think it is well that we return for a brief moment to reality, and discuss for just a moment what the amendments actually provide.

The substitute proposed by the Senator from Florida contains this general declaration of policy:

It is hereby declared to be the policy of Congress to encourage and facilitate the establishment and maintenance of approved plans within industry for providing hospital, medical, and home-nursing care and services, insurance, vocational rehabilitation, and other benefits—

Which can cover practically anything—

for employees in activities affecting commerce and for their families and dependents, and to encourage the support of such plans by employers, whether such plans are administered by employers and employees jointly or solely by employers or solely by employees or otherwise.

The next sentence reads:

No provision of this or any other act shall be deemed to prohibit such plans or to prohibit employers from contributing to the support of such plans, except in any case where such support constitutes an unfair labor practice.

The last sentence, I think, is very significant:

The failure or refusal of an employer in an activity affecting commerce to bargain collectively concerning the establishment or maintenance of such a plan shall be deemed to be an unfair labor practice for the purposes of the National Labor Relations Act.

Mr. President, I think that, under the decisions of the National Labor Relations Board, if an employer refused to agree to the demand of a union that the employer pay to the union a fixed amount to be measured in whatever way they want to measure it, whether it be a royalty of 10 cents a ton, or 7 percent of the pay roll, the administration of its expenditure to be vested exclusively in the union officials, he would be guilty of an unfair labor practice under this language, could be haled before the National Labor Relations Board, and the Board could order him to grant such a fund.

Mr. President, it seems to me that if the Congress of the United States has reached the conclusion that we are not adequately taking care of the health of the people of this Nation, the way for Congress to fulfill its obligation in that respect is not by forcing employers to agree to the establishment of these funds in collective bargaining, but rather by considering and passing upon one of the half dozen or dozen bills now pending in the Committee on Education and Labor to accomplish that purpose. Certainly it seems to me that would be establishing a new and radical policy in the field of labor relations, throwing the whole weight of this Government behind the NLRB, giving it power to force employers, whether the industry could stand such an expenditure and remain competitive or not, to set up such funds at the demand of the union.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. PEPPER. I think if the Senator will note the language of our proposed substitute on page 2, he will not find that it justifies the statement he has just made. The amendment provides:

The failure or refusal of an employer in an activity affecting commerce to bargain collectively concerning the establishment or maintenance of such a plan shall be deemed to be an unfair labor practice for the purposes of the National Labor Relations Act.

That does not mean the employer has to agree, but it does mean that he cannot shut his eyes, or his ears and say, "I will not consider such a proposal." All this would do would be to require that he negotiate on the subject.

Mr. BALL. But I think the Senator from Florida will find that the National Labor Relations Board has interpreted the Wagner Act requirement that employers must bargain collectively to mean that they must not only reach an agree-

ment of some kind on an issue in dispute, but must write that agreement into a contract and sign it. They have so held, and I think the courts have upheld the decision.

Now, Mr. President, returning to the Byrd amendment as modified, I think it might be well to recall the provision in section 8, subsection (2), of the National Labor Relations Act, the so-called Wagner Act. Section 8 is the section which lists the unfair labor practices, and I should like to read subsection (2). It is as follows:

That it is an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization—

This is the significant language—  
or contribute financial or other support to it.

That is followed by the proviso about permitting employees to confer with an employer during working hours.

Mr. President, it seems to me when that language was written into the original Wagner Act the authors were very definitely trying to prevent the corruption of labor organizations by payments to the leaders of such organizations by employers. We all know that there had been cases where that had happened. Now what is the proposition of John L. Lewis which brought about this particular amendment, which is not confined to the Lewis demand at all, but goes to the Pettrillo contract provision imposing a royalty on the manufacture of every record in this country, a royalty which is paid over, as I understand, to the American Federation of Musicians with absolutely no strings on how they shall expend it, except that it is supposed to be used to cushion the shock of technological unemployment on musicians. The Byrd amendment applies of course to a number of other similar payments made by employers to unions.

Mr. Lewis' demand has been consistently—he has never modified it—that the coal operators pay to the United Mine Workers a certain sum annually. At first it was rumored it was to amount to 10 cents per ton on every ton of coal mined. More recently, when he stated it formally in the negotiations, it amounted to 7 percent of their pay rolls. Our whole social-security levy on pay rolls is only 1 percent. Mr. Lewis certainly is not modest in his demands. This amount is to be paid by the employers directly to the United Mine Workers, and to be spent by the officials of that union for these six purposes which he listed; full medical attention for all miners and their families, adequate and modern hospitalization, insurance, rehabilitation of employees suffering from injuries or occupational diseases, economic aid to victims of industrial injuries—that can cover quite a broad field; and the last one, cultural and educational aid to miners and their families.

Mr. President, in the past Mr. Lewis has seen fit to spend the funds of the United Mine Workers for various educational purposes, including the organizational activities of the CIO and of District 50, which is out organizing all kinds of employees from railroad employees to farmers and dairy workers and every-

thing else. Maybe that is what he means by "educational aid to miners and their families."

Mr. President, if Mr. Lewis succeeded in getting his demands accepted, whether it is 1 percent or 7 percent, whether \$10,000,000 a year or \$70,000,000 a year, to be turned over to the United Mine Workers, to the officials of that union to be spent at their discretion merely for these broad purposes, what would be the effect on the members of that mine workers' union, on the miners themselves, about whom the Senator from Florida has been talking so much? Mr. President, it is well known that the United Mine Workers, as run by Mr. Lewis, is not too democratic an organization. If Mr. Lewis and his fellow officers do not like the officers that a local union or a district of the United Mine workers elect, or the delegates they elect to a national convention, Mr. Lewis has the power, and frequently uses it, to remove them from office and appoint their successors.

In view of that attitude of his toward the democratic process and the rights of his individual mine workers, I wonder just how much chance an individual mine worker who happened to disagree with the John L. Lewis leadership of this union, and who was intrepid enough to speak up in meeting so that it became known he disagreed with the Lewis leadership—I wonder just how much chance he and his family would ever have of receiving any of the benefits of this \$10,000,000 to \$70,000,000 slush fund which would be turned over to the leadership of the United Mine Workers to spend annually.

Mr. President, I think if we do not reject the Pepper substitute and adopt the Byrd amendment, which as it is now modified does only one thing—that is, it prevents this one-way street of the employer putting up all the money and the officials of the union spending it at their own discretion—if we do not do that, and such payments become an established practice in the labor movement of the United States, it will be so completely corrupted within a few years that we will have to abolish it completely and start over again.

Mr. President, there are no leaders of any organizations who can be trusted with the kind of power that is given by a slush fund for the general purposes of welfare of \$10,000,000 or even \$5,000,000, let alone \$50,000,000 or \$70,000,000 a year—who can be trusted to spend that kind of money annually and not use it to perpetuate themselves in power forever and ever in that union.

If Mr. Lewis succeeds in getting that kind of fund, with no strings on how he shall spend it, there is not a chance in the world that he or his successors as leaders of the United Mine Workers can ever be replaced by the rank and file, no matter how much they may disagree with their policies. There is no protection—no guaranty whatever—that the funds so paid over will actually be used for the purpose for which they are supposed to be used.

Mr. President, what we do with the Byrd amendment, in subsection (c), is to place around the payments to such fund, and the establishment of such

fund for welfare purposes and for the benefit of victims of accidents, the very minimum safeguards for the benefit, I might say, of the workingmen, not the union bosses—to see to it that if these funds are established they are actually spent for the purposes for which they are established.

Let me read paragraph (3) of subsection (c) of the Byrd amendment which permits the payment of these funds. Subsection (c) starts out:

The provisions of this section—

Which prohibit the payment by an employer of any money or other thing of value to any representative of any of his employees for collective-bargaining purposes—

The provisions of this section shall not be applicable \* \* \* (3) with respect to money or other thing of value paid to a trust fund—

Mr. President, if the sums of money we are talking about here are to be established for this purpose, in the amount of \$50,000,000 or \$70,000,000 a year, is it not reasonable to suggest that the money be put in trust to be used only for the benefit of those employees for whom the fund is supposedly established?

So, first, we make this a trust fund so that any individual employee having a right to benefits under that fund, if he is denied them by the administrators thereof, has the right to go into court and to see that he gets his rights under that fund—

paid to a trust fund established by such representative—

That is, by the union; the union can establish it—

for the sole and exclusive benefit of the employees of such employer, and their families and dependents—

Or, if it is a group industry—

jointly with the employees of other employers making similar payments, and their families and dependents, provided—

And it must meet these requirements, Mr. President—

(A) Such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families, and dependents—

And these are the purposes for which it must be spent—

For medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, or life insurance, disability and sickness insurance, or accident insurance—

Is it not a reasonable limitation on the purposes for which a trust fund should be expended if we are really thinking here of extending benefits to the working men and women of this country, and not just giving the bosses of the unions a little more power and prestige?—

And (B)—

This is the next condition that the trust fund shall meet—

the detailed basis on which such payments are to be made is specified in a written agreement with the employer—

We do not want it left completely up in the air that this is just a welfare fund that shall be used for the general welfare of the employee. That would be subject to endless controversy. If this fund is to be administered honestly, then the terms on which the employees for whose benefit it is established are to receive those benefits certainly should be spelled out in the basic agreement—

and employees and employers are equally represented in the administration of such fund, such agreement to contain a provision that in the event the employer and employee groups deadlock on the administration of such fund, the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide the dispute shall, on petition of either group, be appointed by the District Court of the United States.

I realize that it would be rather useless to suggest to the Senator from Florida, and perhaps to some other Senators, that the employer might have some small interest in whether this fund is wisely and honestly administered. I realize, after listening to him, that the Senator from Florida seems to regard all employers as per se greedy and selfish individuals, interested only in grinding down their employees to the lowest possible standard of living. I do not agree with that concept of employers. I believe that if the employers, through their enterprise and the management of their business in a competitive industry, are to be required to do sufficient business annually so that they can pay these amounts into a trust fund for the benefit of employees, they certainly should be at least equally represented with employees in the administration of the fund. That seems to me the minimum principle of equity and justice.

Finally, the last requirement is:

(c) such payments meet the requirements for deduction by the employer under section 23 (a) or section 23 (p) of the Internal Revenue Code.

Those are highly technical sections, as I understand. Frankly, I do not know all the details of them. They provide the conditions under which business may deduct payments into a pension or other benefit plan for employees, from income for tax purposes. Certainly we should not expect the employer to make a contribution to a trust fund for the benefit of employees, and then force the employer to pay income tax on the amount of the contribution.

To sum up, Mr. President, I believe that on the face of it the Byrd amendment is the least we can do in the United States Senate to protect the individual employees from being the victims of union bosses who will demand these funds without any strings attached to them, to be paid over to the unions, and will then use them to perpetuate their power over the employees. If these funds are to be established, they should at least be protected in their establishment and in their administration so that they will actually be spent for the purposes for which they are supposedly established.

Mr. President, the Senator from Florida made quite a point of the fact that

under the internal-revenue laws industries are permitted to deduct their payments of dues to trade associations. He neglected to mention the fact that under the same internal revenue code members of labor unions are permitted to deduct the dues which they pay to labor unions, as a part of their expense in producing the income involved. I do not believe that there is any difference or discrimination whatever. I have never heard of any trade association attempting to establish a welfare fund for the benefit of its members, and requiring some other party to make the payments into that fund, which would really be an analagous situation.

So, Mr. President, I hope that we may reach a vote on the Pepper substitute and on the Byrd amendment at the earliest possible date.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. HATCH. In the beginning of his remarks the Senator referred to the Wagner Act, which contains a prohibition against contributions by employers. Does the Senator interpret that provision as prohibiting a health-fund contribution?

Mr. BALL. I think it would prohibit the kind of contribution which John L. Lewis is demanding, which is obviously a contribution directly to the union. The difficulty is that the employer cannot get before the National Labor Relations Board. Only a union could bring that issue before the National Labor Relations Board; and obviously the United Mine Workers would not bring it up.

Mr. HATCH. Then, as I understand, it is the Senator's point that in order to make contributions of this kind legal, action by Congress is required—either something in the nature of the Byrd amendment or the substitute therefor.

Mr. BALL. I do not know that I would go so far as to say that. Contributions are being made. The upholsterers union in the Twin Cities has a provision in its contract for such a contribution. Such contributions are not illegal. The contribution is an unfair labor practice, under the Wagner Act. So far as I know, the issue has never been raised, and probably never would be raised, because the only way it could come before the Board, under the Board's present procedures and policies, would be for the union to bring it up; and obviously the union never would do so.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. BALL. I yield.

Mr. SALTONSTALL. I should like to ask the Senator two questions. The first relates to clause (A) at the bottom of page 2. Is it the Senator's understanding that this trust, when it is established, must be for the benefit of all the purposes specified in lines 20 through 25, or can it be established for any one or more of those purposes, by agreement when the trust is established? I ask that question because I believe there are certain provisions with respect to some of the workmen's compensation funds in the various States that if there is other income the

worker will receive less from the workmen's compensation fund.

Mr. BALL. I think the language would permit the establishment of such a fund for any or all of these purposes, but not for any other purposes.

Mr. SALTONSTALL. I respectfully say to the Senator that I doubt if the language is in the form which would support his interpretation of the amendment. If I am correct, should it not be amended so as to accomplish its purpose?

Mr. BALL. The language under clause (A) is as follows:

Such payments are held in trust for the purpose of paying, either from principal or income, or both, for the benefit of employees, their families, and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, or life insurance, disability and sickness insurance, or accident insurance.

The conjunction all the way through is "or" and not "and."

Mr. SALTONSTALL. Will the Senator look into that question further?

Mr. BALL. I shall be glad to do so.

Mr. SALTONSTALL. The Senator agrees with me that the language should be broad enough so that any one or more or all of the purposes could be included, but no other purposes.

Mr. BALL. That is correct.

Mr. SALTONSTALL. I now wish to ask the Senator a question with respect to item (B) on page 3. As I understand, this trust is to be established with two groups, one from the employer and one from the employees. If they cannot agree upon an impartial arbiter, then the district court of the United States for the particular district shall appoint a neutral person. As I understand our Constitution, we cannot by legislation require the district court to do so. Suppose the district court should refuse to appoint an arbiter? Would not that leave the parties at loggerheads?

Mr. BALL. No. I am very glad that the Senator brought up that point. It is quite true that the justice of the district court cannot be compelled by law to appoint the impartial umpire. As a matter of fact, in a great many agreements there is provision for asking the district court to make such an appointment, and usually it is done. However, we cannot compel the court to do so. On the other hand, this is a trust fund; and if the district court will not appoint an umpire who will decide administrative disputes, and thereby keep the subject out of court, either party, or anyone having rights under the trust, could petition the court to take over the fund, in effect as a receiver. Then the court would actually—probably through the same sort of appointment of an umpire or referee—take over the entire administration of the fund.

Mr. SALTONSTALL. If that objection is a proper one, as the Senator says it may become, would it not be better to omit entirely reference to the court? It is not a good thing to put these questions into the courts anyway. Should it not be in the hands of the head of one of the departments in Washington, such as the

Director of Social Security, or the Secretary of Social Welfare, if such an office were established? Would it not be better to have such an official make the appointment of an impartial umpire?

Mr. BALL. No; I am afraid I cannot agree with the Senator from Massachusetts. I believe that there would be much greater confidence on both sides in an appointment made by the district court. I think it is quite a common practice for the district courts to make such appointments. It is simply a device to avoid having the courts take over the complete administration of the fund. The court avoids that necessity by acceding to the request to appoint an impartial arbitrator. I believe that in the present state of the district court dockets most judges would be delighted to avoid the additional work of having to take over the supervision of the administration of the entire fund.

Mr. SALTONSTALL. I have in mind, for example, an area in which there might be a very strong feeling on both sides. If a judge should make the appointment, what would be the feeling in that community in the days following if the man whom he appointed should decide a very much disputed question in favor of one side or the other, and then the side against which he had decided should go to court? Would not that side feel prejudiced by any decision which the judge might make? It seems to me that such a system would put the judge in a hole.

Mr. BALL. I cannot agree with the Senator. The judge himself may eventually have to make the decision; but if he appoints the umpire he appoints him under the agreement that both sides will be bound by the umpire's decision. The subject will not come back to him in that case. I think it would be a mistake to leave the appointment of an umpire in the case of a dispute over administration in the hands of any political official of the Federal or State Government.

Mr. SALTONSTALL. Will the distinguished Senator make certain that he is correct in his interpretation of the last five lines on page 2, that any one or more of these objectives can be sought, without all of them having to be included under this language?

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. FERGUSON. Would it not be better procedure to use the words "either or all"?

Mr. SALTONSTALL. That is what I had in mind.

Mr. FERGUSON. I believe that as originally drafted the language included the words "either or all." Apparently in rewriting the amendment those words were omitted.

Mr. SALTONSTALL. I believe they should be included.

Although I agree with the purpose of the Senator from Minnesota, I do not believe that his interpretation of the language is correct.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield to me?

Mr. BALL. I yield.

Mr. MORSE. I should like to ask the Senator about the observation he has

made. I understood him to say that he believes that any contribution made by an employer to a welfare fund would be an unfair labor practice under the Wagner Act, if the fund were administered solely by the union. Did I correctly understand the Senator?

Mr. BALL. It would be an unfair labor practice, as I interpret the Wagner Act; but I added the proviso that there is no way that the employer could get before the National Labor Relations Board in such a case, except on complaint of the union, and the union never would raise the question.

Mr. MORSE. The Senator bases his conclusions, I judge from his remarks, on the fact that because it would be a contribution, therefore it would be an unfair labor practice for the employer to make the contribution.

Mr. BALL. Yes; I think very definitely it is.

I should say it would be different if it were a contribution to a trust fund, established and properly safeguarded for the benefit of the employees, by the employer. That is a different situation. But when it is a contribution made directly to the union, and when the union officials—its executive board or its president, or what have you—completely control the expenditure of the fund, then I think it is wide open to abuse and corruption on the part of the union leaders.

Mr. MORSE. I certainly know of no case which can be cited on that issue; but I do not share the conclusion which the Senator from Minnesota has reached, for the following reason: Of course, the Wagner Act, so far as contributions by employers to unions are concerned, was devised in an attempt to prevent employers from financing company-dominated unions. In other words, the Wagner Act sought to prevent contributions or practices relative to contributions in connection with attempts by employers to support company-dominated unions.

I think the tests of whether it is an unfair labor practice within the purview of the Wagner Act are as follows: Is the establishment of a welfare fund a subject for collective bargaining? Is it a request that would be considered a proper request for collective bargaining? Or is it—to put it in another way—a subject of arbitration in connection with a labor dispute?

Mr. President, the request of a union for a welfare fund, even though it be administered by the union—and I do not like that type of administration—is, I submit, a matter which is subject to fair collective bargaining; and in the case of arbitration, I cannot imagine an arbitrator who would rule that it was not an arbitrable issue.

If my conclusions in regard to those tests are proper, then I submit to the Senator from Minnesota that the Congress would not rule it to be an unfair labor practice if an employer voluntarily, in collective-bargaining negotiations, agreed by contract to set up such a fund and to contribute the money to it, because I think that the type of contributions which were sought to be outlawed by the Wagner Act were those made in connection with the practices

of employers in supporting and sustaining company-owned and company-dominated unions.

Mr. BALL. Mr. President, I think the question of the Senator as to whether it is a proper issue for collective bargaining is water over the dam, because it has been a subject of collective bargaining in a number of major disputes in the last 5 or 10 years. So it is water over the dam.

I do not see anything in that part of the subsection of the Wagner Act which says anything about the purposes for which the contribution is to be made. There is a flat prohibition of any contribution by the employer to the union.

Mr. MORSE. Of course, I think that is the error of the interpretation the Senator from Minnesota makes.

Mr. BALL. Mr. President, I am not interpreting. That is the plain language of the Wagner Act.

Mr. MORSE. Mr. President, the Senator from Minnesota is making an interpretation, and it is what we call a literal interpretation. But the language of the statute must be read in terms of its four corners. When we read the language of the statute in the light of its purposes, as judged from its four corners, I suggest to the Senator from Minnesota that the word "contribution" should not be given the literal interpretation which he is giving to it.

Mr. BALL. Mr. President, I agree with the Senator from Oregon that the National Labor Relations Board is not giving it the literal interpretation.

#### MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1305) to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation, and it was signed by the Acting President pro tempore.

#### MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

Mr. AIKEN. Mr. President, judging from the mail which has been coming to our offices in large quantities within the past few days, the public apparently feels that Congress is working on legislation which will curb John L. Lewis and the railroad brotherhoods, and that it is attempting to find some way by which to break the coal mine and railroad strikes. The public is unaware of the fact that the President now has adequate power under emergency legislation to deal with the coal strike, or with any other strike which creates a national emergency.

Legislation now on the books permits the President to take over plants or mines whenever a strike is threatened. When that is done, anyone who seeks to induce employees to quit work or slow down is subject to very severe penalties.

As we all know, the Government has already taken over the railroads. I trust

that, under existing authority, it will take over the coal mines before the expiration of the present truce.

If some of the proposed legislation could be enforced, which I doubt, it would make it impossible for any labor union to attempt to better the position of its members without running the risk of being rendered impotent.

If it cannot be enforced it will be filed in the Archives along with other meaningless legislation passed by a Congress in response to a hysterical clamor on the part of a thoroughly outraged but misinformed public.

Compulsory labor legislation and compulsory arbitration have never worked satisfactorily in any country where popular government prevails.

If we say to the working men and women of America, "You must continue to work for your employer, and will be subject to heavy penalties or the loss of your rights under the labor laws of the United States if you quit, or you must submit to arbitration which will likely result in a compromise," we will be fomenting discontent rather than harmony in our industrial world.

Some amendments proposed to the Labor Relations Act do not simply correct inequities between the positions taken by employer and employee. Some of them at least go far beyond the category of corrective legislation.

If those who now condemn John L. Lewis and his miners really wish to end the dissension existing in the coal industry, they can do so by supporting the utilization of natural resources which are now going to waste.

Let them support measures to develop the 2,200,000 horsepower of electricity on the St. Lawrence, the 700,000 horsepower of wasted electricity at Niagara Falls, and the further development of hydroelectric power in the Southwest, the Pacific Northwest, and the Missouri Valley. Let them take steps to put an end to the waste of natural gas, and urge its utilization as an inexpensive source of power, heat, and light. Then the coal strike will be settled within a week.

I cannot understand why it is that so many of those who are most bitter against John L. Lewis are also the most determined to prevent the development and utilization of the natural resources of this country which once and for all would break his power to bring a great industrial Nation to its knees.

Today Mr. Lewis has a virtual monopoly on the mining of coal in America. Congress has acquiesced in the development of that monopoly, and now we are reaping the inevitable results. Yet, those who complain loudest are most unwilling to break his stranglehold by the only means that is permanently available.

There is a virtual monopoly today in rail transportation, and a strike which may paralyze all rail shipping has already been called.

If the Congress will take immediate steps looking to the full development of water transportation, aviation, and an elaboration of our highway systems, such action will go far towards preventing the threat of any future rail strike.

I do not minimize the danger of uncontrolled strife between industry and labor. It is perhaps the most serious situation that this Nation ever faced on this front, but I do not believe that it can be alleviated through compulsion. Rather than being bettered, I fear that eventually efforts to use force in the settlement of labor disturbances would result in civil strife and turmoil.

The causes of the present conflict between labor and capital are far more basic than a matter of dollars and cents.

We have been accelerating our steps toward those conditions which history has shown eventually results in the break-down and dissolution of government.

Persons have moved to urban areas in unprecedented numbers, dangerously upsetting the balance between rural and urban population. Many of them live in homes which they do not own and can never hope to own. Many of those homes are unfit for human habitation. They have no gardens. Their occupants even buy the water which they use. They are helpless in times of adversity.

Great banking institutions have fastened a financial colonialism upon the Nation, thereby acquiring control of local industries and local finances in thousands of small cities and villages. All too often the resolutions of the local chamber of commerce or businessmen's association represent the purposes of the larger financial interest rather than those which are best for the community.

Great corporations have become greater. The trend toward monopoly was never stronger. Small business is being gradually liquidated or absorbed, as a result of the impossibility of its competing with the corporate interests whose tenacles extend all over the world, and to which our Government extends liberal subsidies in the form of tariff protection, new plant construction, and generous Government contracts.

The feeling of pride and responsibility which foremen once shared with the owners of the plants is fast disappearing. In many plants the foremen now seldom see the owners. It is little wonder that foremen in great corporations now seek the right to organize as a body apart from the ownership.

Industry professes to fear communism. Occasionally this fear takes the form of hysteria and violent attacks upon labor organizations. Frequently, such attacks are unwarranted, with the result that members of the union believe that it is the purpose of the industrialists to establish some sort of a Fascist state in America. Consequently, the rift between these two great factors of our national economy is widened, and fear and hate, rather than reason, become the motivating influences on both sides.

I have no hesitancy in predicting that if communism, fascism, or any kind of a totalitarian government ever comes to America, it will be brought about by those who fear it most.

Unless the tide of industrial unrest is stemmed, the eventual result will be either nationalization of our industries, or the establishment of coercive practices by Government, either of which is con-

trary to the concepts upon which our Government was founded and under which we have become the world's strongest and richest nation.

Mr. President, I should like to digress for 2 or 3 minutes to speak of one way by which I believe we may avoid both these undesirable alternatives. I speak of the cooperative way.

The little band of weavers who, in Rochdale, England, over 100 years ago organized the first consumer cooperative, started a movement which has played an important part in world affairs, even contributing materially to the winning of World War II, and which may conceivably prove to be the means through which health, happiness, and prosperity can be restored to much of the world and thereby defeat the forces of fear and poverty and greed.

The growth of the cooperative movement in America has been almost spectacular. Already some \$5,000,000,000 worth of business is done annually in this manner.

It has brought about an improvement in quality and a lower cost for goods and services for producer and consumer alike. As a regulatory force, it is more potent than law and regulation in preventing monopoly.

Where bona fide cooperatives exist, they fix the quality and the price of goods that are bought and sold. They prevent undue speculation, and they can be a powerful factor in reducing labor disturbances to a minimum.

The cooperative is the natural enemy of communism, for it is 100 percent privately owned and operated.

It is the natural enemy of monopoly, because it prevents price fixing and limitation of production by an individual or group of individuals.

We have in the United States producer cooperatives which market milk, grain, petroleum, peanuts, citrus fruits, and many other products of farm and processing plants.

Farm purchasing cooperatives supply their members with fertilizer, feed, seeds, paints, and petroleum products of highest quality at fair prices.

In many towns and cities we have consumer cooperatives which assure the consumer that not only the quality and price of goods which he purchases from his own store will be right, but that the price and quality of goods from all other stores in the community will also be right because these will be regulated by the cooperative.

It is a well-known fact in communities where consumer cooperatives exist that if 15 percent of the trade of that community is done by the cooperative, the other 85 percent will be regulated as to price and quality much better than could be done by law and regulation.

I believe the cooperative movement could well be expanded to include a portion of America's industrial economy.

Cooperative miners and factory workers would be extremely reluctant to go on strike, because they would be striking against themselves.

Through their cooperative efforts they would regulate the pay and working conditions of other labor engaged in the

same line of production just as ably as the farm and consumer cooperatives regulate quality and price in their fields today.

Through fair and open competition we could go far toward accomplishing what laws and governmental pronouncements alone cannot do, namely, restore and maintain peace in the field of labor and industry.

In this respect, Mr. President, I should like to call attention to the fact that the country that has the least labor trouble is Sweden, and that country also does the highest percentage of its business through the cooperative system.

The creation of monopolies whereby all people are required to contribute for the benefit of a comparative few adds to the feeling of unrest which leads to industrial strife.

When a necessity of life becomes a monopoly, we may well consider making it a publicly owned one. In this category we already find railroads and power distribution lines. Call this socialism if you like, but remember that Canada already owns a great railroad system, and nowhere does private industry exercise greater control over government than in Canada.

There is a very definite trend toward monopoly in many other industries. Such a trend begets labor unrest, as well as a feeling of frustration among those who find the door of opportunity in that field closed to them.

Monopolistic industry is not free enterprise. It is just the opposite.

There are bills now before the Congress that would exempt certain industries from the antitrust laws. Lobbyists have been working on Members of Congress to secure enactment of this legislation. Rather than promote monopoly by such legislation, we should be strengthening the laws that keep open the door of opportunity to all the people.

The principal bone of contention in the coal industry is supposed to be the demand of the miners' union for a health and hospital fund. It may be that the amount demanded is unreasonable. I am not in a position to know, but I do know that, unless the United States Government and the 48 State governments do their utmost to provide good medical care and health conditions for the working people of America, there will be more labor trouble brought about from this very cause.

We have no right to say that only well-to-do persons are entitled to adequate hospital and medical care. We have no right to say that only the children of well-to-do parents are entitled to good teeth and good eyesight.

When any parents see their own children suffering for want of medical care or the proper kind of food, or forced into employment at a nearly age without an adequate education, or when they see them denied even the right to play under healthful conditions during those years when play is the inherent right of every child, then they will grasp at any leadership that promises to correct such conditions, by any means.

If we believe that our form of government is truly a government of the

people, and the best form of government for freedom-loving people, we will not permit conditions to exist which create in the hearts of the working people of America a reluctant willingness to tolerate any form of government alien to the precepts upon which our own United States was founded.

A basic cause of labor unrest is the conditions under which men and women have to live and work. Washington newspapers have vividly called our attention to the squalid and filthy conditions existing in some of the coal-mining villages. These people have little of the better things of life. They do not know the satisfaction of home ownership and bathrooms and modern household equipment.

Their children are born and raised in poverty. They are continually in debt to the company, and even if the desire is there, many never attain the means of breaking away from the conditions under which they exist.

The situation in our great cities is no better. Millions of families exist in hot, stifling tenement houses overrun with bedbugs and cockroaches from which there is no escape. They do not even own a blade of grass. When the plant closes down for an extended period of time, the charges for rent and lights, and water and food still go on. They know nothing of the sense of security which the people who live in the rural areas feel when depression strikes.

Under such conditions, they have to depend upon their union leader or the political boss of their ward.

When Thomas Jefferson was Ambassador to France in 1787, he wrote James Madison in reference to the proposed Constitution:

I shall concur in it cheerfully, in hopes they will amend it whenever they find it works wrong. This reliance cannot deceive us as long as we remain virtuous; and I think we shall be so long as agriculture is our principal object, which will be the case while there remains vacant lands in any part of America. When we get piled upon one another in large cities, as in Europe, we shall become as corrupt as in Europe.

Undoubtedly, if Thomas Jefferson were alive today, he would be surprised to find that the large cities of America are no worse than they are.

Nevertheless, it is in the slums and tenements of these immense centers of population and in their smaller rural counterparts that we find people becoming more responsive to their fears when things go wrong, and grasping at any straws that promise to improve their lot.

It is not because they are worse than other people, for they are not. They are simply more desperate. The conditions under which they live are responsible for their willingness to follow unreasonable and stubborn leadership in order to obtain better conditions for their families.

I reiterate the statement that industrial strife will never be eliminated in a democracy by direct labor legislation alone. In fact, some of the proposals which are before us now would encourage labor unrest rather than alleviate it. It is time now to get down to the basic cause of

labor unrest, and correct the conditions which are responsible for it.

A program with this end in view will necessitate the following fundamental approaches to the problem:

First. Turn back the trend toward concentration of wealth, power, and population; divert our efforts away from making large cities larger, and encourage the development of rural areas and smaller centers of population, where the powers of self-reliance may be more fully exercised, and dependency reduced to a minimum.

Second. Make it possible for more people to own decent homes of their own. A home owner has a greater degree of independence and is not interested in changing our democratic form of government. The housing bills which this body has approved will go far toward accomplishing this end.

Third. Make provision for adequate medical and hospital care for all at a price within reach of all. Inability to provide this care for the family has driven many men to acts of desperation.

Fourth. Provide a minimum education for all people. Teach people to do their own thinking, and they will not permit others to do it for them.

Fifth. Assure an adequate minimum diet for low-income persons at a cost which they can afford to pay. A program has already been worked out to this end, and if put into effect will add immeasurably to our national security.

Sixth. Provide for the distribution of goods and services so that the products of farm and factory may be enjoyed by the greatest number of people at the lowest possible cost. When we have solved the problem of distribution as well as we have that of production, we will find greatly expanded markets and an infinitely more contented people. The extension of the cooperative movement will play an important part in this.

Seventh. Instead of permitting the creation of monopolies, we should by all means keep the door to competition wide open unless we are willing to nationalize the industry concerned. Let our young men and women know that there is still opportunity for them to be more than a cog in the intricate machinery of a great corporation.

Eighth. Develop the natural resources of the Nation for the benefit of all the people. We should not permit either wastefulness or idleness to exist in the precious heritage which nature has bestowed upon us.

Ninth. Establish and maintain an adequate minimum wage which will permit workingmen and their families to live in a manner in which they should live and eliminate the unfair competition of those who for geographical or other reasons are helpless to protect themselves, thus keeping down the standard of living for all.

Tenth. Effectively apply the full-employment policy which has now been approved by Congress and the President. Remove the fear of idleness from a man, and you have removed much of his willingness to accept leadership of the wrong kind.

If we do these things that will make life better and more equitable for all people, we will have little to fear from the forces that have shaken governments from their foundations and threatened the march of civilization since the dawn of history.

Turning now to the amendments to the labor laws now before the Senate, it may be seen that many of them are positively destructive to labor unions in their purpose and, if they were enacted into law, I have little doubt that labor-industry relations in this country would be thrown into a turmoil and tailspin from which it would take a long time to recover.

On the other hand, some of the amendments proposed offer much that is workable in part, though not in their entirety.

While the National Labor Relations Act can, without question, be improved, it must not be assumed that it has been a failure as an instrument for settling labor disputes.

From July 1, 1945, to May 1, 1946, the Conciliation Service of the Department of Labor has disposed of cases involving 2,569 strikes and lockouts; there was one lockout I believe in the lot; 3,569 threatened strikes; and 7,155 controversies which had not reached a threatened strike stage.

If the machinery already available in Government has been able to settle over 13,000 strikes and controversies in a 10-month period, it cannot be called entirely a failure.

Moreover, between Pearl Harbor and VJ-day which, with the exception of the coal miners' strike, was a period remarkably free from industrial strife, the Conciliation Service handled more than 75,000 dispute cases, settled some—over 76 percent of them—and certified the rest to the National War Labor Board.

During the month of April of this year, a total of 1,507 labor-management disputes were settled through the Conciliation Service.

These disputes consisted of 354 strikes and one lock-out, 648 threatened strikes, and 504 controversies which had not reached the threatened strike stage.

This was the amount of work done by the Conciliation Service during last month.

However, the past experience which the Conciliation Service of Government has had has shown that the machinery which has been in use for the last 10 years will be benefited by some improvement.

It is the purpose of the bill reported from the Committee on Education and Labor to provide these improvements and there was no dissension in the committee regarding this.

Now, considering the amendments having to do with the health and welfare funds, there has already been much change in sentiment since the original Byrd amendment relating to this matter was offered.

I have not studied the latest amendment which was reported by the morning newspapers.

Frankly, I do not think that a royalty or production tax for the purpose of

maintaining a health and welfare fund is desirable, and I am glad to see that Mr. Lewis and his coal miners have rescinded their demand on the operators for a tonnage tax.

The adoption of such a method by the coal industry would lead to its emulation by other industries.

Resentment on the part of the public would ride high, for there would soon be 100 instances of the public being taxed to provide benefits for one segment of our economy.

I believe that health and welfare funds are highly desirable, and I realize that they also cost money which must be provided from some source.

Already many industries maintain such funds, and, so far as I know, they operate successfully.

I would not want to interfere with such programs which are in successful operation.

The logical method for financing health and welfare funds is by pay-roll deductions and employer contribution. Of course, the public pays the cost in the end, but it is a far less painful and obvious payment than the royalty or production tax method would be.

Ordinary health and welfare programs could best be administered jointly by employer and employee if the contributions are equal.

However, that may not always be the case and I can conceive of many instances where it would be mutually satisfactory to have one or the other handle the program. I believe that if the Senate could agree on an appropriate amendment dealing with health and welfare funds we should by all means have in it some provision whereby one party or the other may waive its right to administer the health and welfare fund.

I would not care to support legislation which would force mutual application of health and welfare funds upon employer and employee jointly, though I do believe that a full and detailed report of the handling of such funds should be made available to all who have contributed to it and that expenditures be kept within the law.

Coming next to the second Byrd amendment which requires all labor organizations to register with the Securities and Exchange Commission and to make a full financial report each year, together with a great deal of other information, I am inclined to believe that this would have a healthy effect and would inspire confidence in union organization where such confidence is now lacking or expressed with many qualifications.

I have seen a great many financial reports of labor unions which are available to members of the union and are indeed semipublic, which are far more complete than the financial reports of most corporations. They tell in detail where all the money comes from and by whom and for what purpose it was spent. The craft unions of the AFL issue financial reports in detail and the CIO made a general financial report public not long ago. I assume that the purpose of the second Byrd amendment is to require those unions which do not make a financial report to do so.

As I have said, I think this would be a good idea, but it would not be fair to require all unions to register with and make financial reports to the SEC unless all trade groups and promotional organizations are required to do the same.

Much of the battle between industry and labor during recent months has been carried on not by corporations themselves but by the organizations to which they belong. The amounts spent by such organizations would seem almost unbelievable if the facts were known.

It is understood that the late winter advertising of the National Association of Manufacturers in the so-called anti-labor campaign amounted to \$2,000,000. I do not know what part of it went into newspaper advertising. I understand that that is the total amount appropriated for that particular campaign. This same organization admitted before a Senate committee that it had spent nearly \$400,000 in newspaper advertising opposing the continuance of the OPA.

I hold in my hand three advertisements clipped yesterday from newspapers lying on the Senate reading-room table. I did not look in any more newspapers. I presume that others carried the same advertising.

Here is almost a full-page advertisement from the New York Herald Tribune, inserted by the Nonsectarian Anti-Nazi League. I have not the slightest idea what this organization is, and I do not wish to be understood as intimating that it is not worthy, for I do not know. However, here is an advertisement which must have cost a large sum of money.

Here is a full-page advertisement from the New York Times of yesterday, inserted by the Tool Owners Union, with national headquarters at Lexington, Mass. I had never heard of this organization before. It seeks to solicit memberships. This advertisement alone, in the New York Times, must have cost someone several thousand dollars. The public cannot have any idea of the nature of the organization or who pays the cost of the advertisement. Doubtless it is entirely worthy.

Then here is a full-page advertisement from the Washington Evening Star of yesterday, inserted by the National Coal Association, with headquarters in Washington, D. C. Even the Washington Star does not print full-page advertisements free of charge.

I readily agree that the coal operators have every right to organize and through their organization place their views before the public. So has the American Railroad Association and innumerable other trade organizations. So have political organizations which seek not only to operate in the United States, but to influence political affairs abroad.

Free expression of opinion is a time-honored American privilege guaranteed by our Constitution, which is still the greatest instrument for government by the people that has ever been devised. But have not the people of America to whom these great newspaper campaigns are addressed every right to know who is paying for these campaigns and how the money is spent?

I will support that part of the amendment offered by the Senator from Virginia which requires labor unions to register with the SEC and to make financial reports each year if he will also require the trade groups and political and promotional organizations to which I have referred—and I mean all of them—and in some cases even fraternal organizations should be included to register and to report their affairs in the same detail.

I might even go so far as to agree that labor organizations could be sued in Federal court, just as they are now in State courts, provided that all other trade, industrial, fraternal, and political organizations were subject to the same legal process and commensurate penalties. Congress ought not to consider depriving any labor union of its collective-bargaining rights as a penalty unless it is willing to deprive a corporation of its rights to do business as a corporation in the event that a corporate employer is found to be at fault.

We are putting altogether too much emphasis on the subject of breach of contract between labor and its employer. To the best of my knowledge, no major strike in recent months has resulted from breach of contract by either the employer or the union. The number of employers and unions that will disregard the terms of a contract is very small indeed. If, however, the proposed legislation making unions and employers suable in Federal court were enacted and the practice of bringing suit became general, the result would be that few contracts would be signed, and the employer would find himself liable to have a strike on his hands any day and would have no recourse to a contract in order to avert it.

The next amendment which I wish to discuss is that which would prevent secondary boycotts. I am discussing all these amendments in terms of general application and effect rather than in terms of technical and legal detail. The secondary boycott is one of the most unfortunate weapons used by union labor. Its effect is likely to be felt largely by those who are not responsible in any way for conditions which lead to the controversy. It is often the result of a jurisdictional dispute. It frequently results in waste of food and material. Legislation designed to control the secondary boycott would be most difficult to enforce.

We all engage in boycotts from time to time. If the grocery clerk speaks sharply to a customer or if we get short weight or poor quality at a particular store, we not only boycott that store from then on, but encourage our friends and family to do the same. I do not believe it is possible to compel by law any large number of persons to continue using any particular line of goods if they do not choose to do so.

The committee bill does include a provision which provides a penalty for anyone who interferes with or demands money from a farmer or his employee engaged in the delivery of perishable products to market. This amendment is an outgrowth of hundreds of complaints that the drivers of farm trucks had been

required to join unions in order to unload their products at city terminals.

There is no question that a large percentage of these complaints was entirely justifiable. There has been a general demand for legislation seeking to protect the farmer who delivers produce to market in his own truck. Usually such shipments originate in a State other than that in which the market to which delivery is made is located. A vast amount of food is involved, and many a farmer has hesitated to deliver a truckload of perishable food to a city market for fear that his driver would be required to pay a large part of the value of the load to the union in order to unload the goods.

Therefore the committee felt that protection should be afforded the producers of perishable farm crops, both from the standpoint of saving food and as a matter of simple justice to the producer. Until this amendment was adopted by the committee, there had been virtually no demand for this kind of protection except in the name of the farmer. However, when the committee agreed to afford this protection to the farm producer, there was an instantaneous clamor to extend the same protection to everyone else. This was conclusive proof that the farm situation was simply being used as a popular front for the benefit of all industry.

I would have no objection to the extension of this protection to the small businessman whose truck is driven by himself or by an employee to whom the operation of the truck is incidental to his regular work. I wish to make it clear that this amendment is not intended to restrict the right of any labor union to strike or to exercise the right of peaceful and legal picketing. It is simply intended to protect the small farmer who delivers his produce to market in his own truck. I do not believe it necessary to extend this provision to the great corporations and transportation companies which operate hundreds of trucks with regular full-time drivers. These drivers are practically all unionized anyway.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. HAWKES. Will the Senator be good enough to explain to me why he is willing to have protection for the small farmer and not the large farmer? Why does the Senator discriminate because of the size of the farm?

Mr. AIKEN. There is no discrimination because of the size of the farm, so long as the delivery is made in his own truck.

Mr. HAWKES. What is the difference whether the delivery is made by a farmer's son or the farmer himself, or by an employee?

Mr. AIKEN. There is no difference under the proposed amendment.

Mr. HAWKES. I may have misunderstood the Senator, but I thought he said that he would be willing to have such an amendment apply to the small farmer; and the Senator emphasized the word "small."

Mr. AIKEN. I said also the small businessman.

Mr. HAWKES. I think it will be found from the notes that just a moment ago the Senator referred to the small farmer.

Mr. AIKEN. The appeal for legislation of that type was invariably made in the name of the small farmer. If I said "small farmer" I will say now that the size of the farm would make no difference whatsoever so long as the delivery was made by the farmer himself, a member of his family, or one of his regular farm employees.

Mr. HAWKES. That is what I wanted to find out.

Mr. AIKEN. I assure the Senator from New Jersey that is what I intended. The Senator knows full well that large farms have also had their troubles with certain types of unions.

The last amendment, a part of which I wish to discuss briefly, is the amendment offered by the Senator from Illinois. I shall discuss it only briefly and generally, because I admit that I have not studied it in detail. But I think I know its general objective. This amendment grants the President authority to seize mines and plants when a stoppage of work in such mines or plants "has resulted in interruptions to the supply of goods or services essential to the public health, safety, or security to such an extent as seriously to impair the public interest."

Again, I wish to state that I am discussing the amendment in general terms, rather than discussing technical and legal points of detail.

It appears to me that when a work stoppage of a nature which creates a national emergency occurs, that the only recourse is seizure of the mines or plants by the Government; but I think that the industries included in such category may well be specifically designated by the Congress, particularly in view of the fact that the measure on which we are working is not an emergency war-time measure which is already on the statute books, but is long-range permanent legislation.

Mr. President, most men and women would be reluctant to strike against their Government. No person should strike against his Government or be permitted to do so, nor should he be denied the right to quit working for the Government at any time when we are at peace.

The penalty which the Senator from Illinois would impose upon any employee who fails to return to work or who stops work after a plant or mine has been seized by the Government is loss of his rights under the National Labor Relations Act "unless he is subsequently re-employed by such owners or operators."

The implication is that if he secures employment elsewhere, he could not recover his rights. I do not believe that we should expect to enact legislation which carries such a one-sided provision as that, and I doubt whether it was the purpose of anyone to have the measure have that effect, although that is the way it reads.

I believe that if the penalty of loss of seniority rights, loss of protection under

the Wagner Act, is invoked against anyone who strike against the Government, his rights under the Labor Relations Act should be lost only so long as the Government is in possession of the plant, and should be restored promptly upon the return of such plant to its owners.

There are other evidences of inequities in many of the amendments which we are called to act upon.

My discussion has been general because I do not believe that here on the floor of the Senate we can write legislation in detail, anyway; and many of the proposed amendments have not been considered by any committee. Many of the proposed amendments which have merit in their purpose, if not in their wording, have not been submitted to any committee.

In conclusion, I wish to say that I cannot support any amendment which limits the right of any man to strike against any private employer at any time. We are not enacting legislation for John L. Lewis or Sewell Avery or any other leader of either labor or industry. We are enacting legislation which must be applicable to all the people of the United States. What we do here will affect the welfare and fortune of twenty-five to thirty million labor-union members and their families, as well as the welfare and the fortune of every other person in the United States.

Let us see to it that what we do is done deliberately—with reason, rather than emotion, being our guide.

We shall not have to make many mistakes, to bring about far worse conditions than those which now exist in our industrial-labor world. We can, through reasonable consideration, make things much better.

Mr. President, since the debate started in the heat of anger, I have noticed that Senators have apparently become more tolerant and have indicated a willingness to get together and work out reasonable legislation which will strengthen our labor laws in a manner which will be fair to all concerned. I hope that that feeling of tolerance will increase, with the result that when the time comes that we really enact legislation, it will be the kind of legislation of which all of us can be proud, and glad that we were permitted to take a part in its enactment.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States withdrawing a nomination and submitting a nomination were communicated to the Senate by Mr. Miller, one of his secretaries.

#### THE FEED SITUATION

Mr. MAGNUSON obtained the floor.

Mr. MORSE. Mr. President, will the Senator from Washington yield for an inquiry?

Mr. MAGNUSON. Yes.

Mr. MORSE. Is the Senator from Washington going to discuss the measure now before the Senate?

Mr. MAGNUSON. Yes.

Mr. MORSE. The junior Senator from Oregon, on behalf of himself and his colleague, the senior Senator from Oregon [Mr. CORDON], would like, before

the Senate takes a recess this afternoon, to make a few remarks for the RECORD in regard to a very serious feed problem which exists in the Pacific Northwest and which is as important to the Senator from Washington, I am sure, as it is to the two Senators from Oregon. The senior Senator from Oregon regrets he cannot be present for this discussion, but he is in attendance at a meeting of the Senate Appropriations Committee. I was wondering whether the Senator from Washington would have any serious objection either to having me take time, while he has the floor, to make certain remarks on the feed situation, or to postpone his remarks until tomorrow.

Mr. MAGNUSON. Mr. President, I may say that I have no objection to yielding to the Senator from Oregon for that purpose, with the understanding that I shall not lose the floor, if the Senator is able to obtain unanimous consent to that effect.

Mr. MORSE. I am hopeful that if the Senator requests such consent it will be granted.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senator from Oregon be allowed to proceed with the matter which he wishes to discuss, with the understanding that when he concludes I shall retain the floor.

Mr. WHITE. Mr. President, I have no serious objection to that, but I suppose the rule of the Senate contemplates that the Presiding Officer shall recognize whoever first addresses the Chair. I think that is a safer rule for the Senate to follow, than to enter into agreements as to who shall have the floor from time to time.

But if it is an accommodation to the two Senators who are involved, the Senator from Oregon and the Senator from Washington, I shall not object at this time.

Mr. MORSE. I appreciate that very much.

The ACTING PRESIDENT pro tempore. Without objection, the Chair will recognize the Senator from Washington. If objection is made, the present occupant of the chair, as long as he is in the chair, will certainly be disposed to invoke the regular order.

The Senator from Oregon.

Mr. MORSE. Mr. President, I thank the minority leader and I thank the senior Senator from Washington for the accommodation.

Mr. MORSE. Mr. President, I wish to say that it is with somewhat mixed feelings that I rise to refer to a problem which I think should be made of record and discussed on the floor of the Senate today. I wish to make perfectly clear that not only do I speak for myself, but I voice the views of my colleague the senior Senator from Oregon [Mr. CORDON]. Much of the data which I shall seek to place in the RECORD in the course of this speech has been prepared for us by the very able director of agriculture for the State of Oregon, Mr. Ervin L. Peterson.

As the Senate knows, in this country we are confronted with a very serious wheat and feed problem. Certainly no Senator wishes any more than do the two

Senators from Oregon to have starvation alleviated throughout the world. Yet we can have very sincere and honest differences of opinion among us and between us and the administration as to how best to meet the food situation throughout the world. In facing the problem, I believe there are a few basic principles upon which we should be able to agree.

I certainly think we should be able to agree that when the administration proceeds to prescribe feed restrictions, ample planning for the application of such restrictions should be made in advance of their issuance. However, that has not been done. I am not here to attempt to fix the blame; in fact, before I conclude my remarks, Mr. President, I shall in all sincerity attempt to relieve some very high Government officials from any blame, because I do not think they are at fault.

Mr. President, I believe that we should be willing to agree that before the wheat order was issued an inventory should have been taken not only of available wheat, but other feed as well. An inventory should have been taken and a study should have been made of the minimum feed requirements of the farmers and producers in order to enable them to carry over their stock and prevent the occurrence of severe and costly losses which are now being experienced throughout the country. Of equal importance, an effort should have been made to prevent the tremendous wastage of food which is resulting from the wheat order of the Administration.

This morning the entire Oregon delegation, including Senators and Representatives, met with the Secretary of Agriculture, Mr. Anderson, and the Under Secretary of Agriculture, Mr. Dodd. We discussed some of the very things which the Senator from Nebraska [Mr. WHERRY] and the junior Senator from Oregon discussed on the floor of the Senate last week with regard to the effects on the Pacific Northwest of the feed orders of the Administration. It should be pointed out for the record that the Pacific Northwest, differing from other sections of the country, has no substitute feed. It does not have corn, for none is raised there; nor is it a barley-raising area. There are no available substitutes such as the poultry and livestock producers in other sections have. Our feed is a single feed. It is wheat. I know there will be a smile or two when I say that it is soft wheat; but so it is. It is not the hard-flour purpose wheat which is raised in other sections of the country. Primarily, it is a feed wheat. Its value lies chiefly in the use made of it in the feeding of livestock and poultry.

But be that as it may, Mr. President, I would be less than honest if I did not point out that the value of this feed lies also in its use for human consumption. There are, for example, soft-wheat flour mills in the Pacific Northwest. I cannot say for a certainty whether some of them are located in Washington, but it is my understanding that such is the case. I refer, for example, to some of the soft-wheat flour mills in my State, principally in Astoria, and a few in the wheat areas such as those in the vicinity of Pendle-

ton. Nevertheless, the greatest utility of this wheat lies in its use as stock feed. I would be the first to insist that, if need be, it also be used for human consumption in this dark hour in world economic conditions, because it can be used in relieving starvation.

The point needs to be made, Mr. President, that the way in which the feed or wheat order is being administered and applied to the Pacific Northwest itself, has resulted in a tremendous wastage of food. The application of the order is resulting in the extermination of the poultry industry of the State of Oregon.

Mr. President, I shall not argue about facts. I shall put some of them into the RECORD. I shall ask those who are responsible for the administration of the wheat order either to deny the facts I shall present; answer them, rebut them, or admit them. I assert that they will be compelled to admit them because they are undeniable. If they admit them, it must also be conceded that we are not helping the starvation problem of the world by destroying food under a strict arbitrary administration of the wheat order at the present time, without taking into account the great regional problem which exists in the Pacific Northwest, including the States of Washington, Oregon, and Idaho. I assert without fear of successful contradiction that unless our Government is willing to use for feed purposes a part of the wheat which is now being piled up for shipment, but which cannot be shipped until some time in the future, it will be making a very costly mistake. After all, the relief for which I am asking is for only 2 weeks. If we can keep the poultry industry going for 2 weeks, then by proper planning, which should have been done before the wheat order was put into effect, I believe the administration can start on the way to the Pacific Northwest the necessary feeds to take the place of wheat not now available to the producers of my State.

Mr. President, I am not talking about new production in the poultry industry. I am not talking about the thousands of baby chicks and turkey poulters which, during the last 10 days, and for the next 10 days, have been and will be destroyed because of the lack of feed. I am not making a plea to stop such waste, tremendous as it is, uncalled for as it is, and unnecessary as it would have been had some planning been done months ago in relation to the problem.

Mr. President, the food-shortage problem did not descend upon us overnight. We, as Members of the Senate, cannot escape our share of the responsibility. During the past year there were those of us who on this floor attempted from time to time to point out what the handwriting on the wall made perfectly clear, namely, that the world would soon enter upon a period of starvation unless we did something about it. I do not hesitate to say that I believe we have not done all we should have done. We have not yet given UNRRA all the funds which it needs and has asked for. Members of this body know that over a period of several weeks some of us on the floor of the Senate pleaded from time to time

to make available to UNRRA necessary funds so that some planning on an international scale could be done in order to meet the great crisis which now confronts us. It does not pay to cry over spilled milk. The question is whether or not we shall continue our planless way, or stop now, take stock of ourselves, and ascertain what, if anything, can be done in order to prevent the great waste which is taking place.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MAGNUSON. I believe the record should be made a little clearer by the Senator from Oregon. I inferred from what the Senator said that this is the first time the feed situation in the Northwest had been called to our attention. Some of us have known about it and have seen it coming for a long time. We considered it not to be a legislative matter—not properly a matter for legislative action—but that it was an administrative matter. More than 4 months ago the Senator from Washington and several other members of Pacific Northwest delegations, particularly of the States of Washington and northern Idaho, had several conferences with representatives of the Department of Agriculture. On one occasion we succeeded in getting the Department of Agriculture to raise the quota of beef for the State of Washington. I believe the raise was 10 percent. Since then other conferences have been held. It is my understanding that the situation in Europe has grown worse than had been anticipated 4 or 5 months ago. Hearings have been held by the Senate Committee on Agriculture and Forestry in connection with the wheat situation.

I agree with the Senator that the situation in our section requires immediate action. I do not know whether the Senator will complain or not, but 50 cars of wheat have been sent to the State of Washington for the last 2-week period. The Department of Agriculture, in order to do what they thought best—whether it will work out or not I do not know—issued an order 10 or 12 days ago as to excess barley. All excess barley on the Pacific coast must not be shipped east of the Pacific area. That should allow the excess California barley to trickle up to our area. They released and relaxed the regulation on oil feed cake. They stepped out of the corn market, so that the feeding of heavy hogs would be discouraged, and increase the price of corn 25 cents, which put some corn on the market.

They did everything they could—I want to be fair to them—to encourage the shipment of Montana wheat West instead of to the Twin City terminal. But what they did, did not quite take care of our situation.

I am glad the Senator is calling this matter to the attention of the Senate. I merely want to make clear that many of us have been working on this matter for a long time. There have been many conferences, many telephone calls, many discussions, and we have reached a point now where for the 2-week period I think we need probably some extra quick action. I believe the State of Oregon should have

the same treatment the State of Washington had, the shipment of 50 cars, and I hope in 2 weeks the pressure will be over, but in the meantime I think probably we might accomplish more by getting the department to continue conferences, and keep apprised of the situation as it is in both our States.

As I have said, we have been working on this matter for a long time. I hope this discussion will help, but we probably should ask the department now, as the Senator well points out, to use some of the Surplus Commodity Credit wheat, as I believe it is called, and replace it in the stockpiles, which can probably be done, when the crop comes in which is now being harvested in Texas and is moving North.

I merely wanted the RECORD to show that a number of us have been working on this problem for many, many weeks.

Mr. WILEY. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. WILEY. I am very much interested in what the Senator is discussing. I have just returned from my State, where I was in consultation with the bakers. It is estimated that the flour supply will last from 10 to 20 days. The Pillsbury Mills in Minneapolis expect to close the last of the month.

The question I hope the distinguished Senator can answer I shall now state. Under the wheat order, it will be remembered, wheat is being shipped to Europe. Producers in the dairy section expect to be facing this winter a tremendous feed problem. Can the Senator from Oregon or any other Senator tell me whether or not the Department, or whoever is administering this matter, has given consideration to milling the wheat into flour in this country and then using the residue for feed? That itself would provide a tremendous amount of feed.

Before the Senator attempts to answer, I wish to say that today there came to my office a letter from the cheese industry of Wisconsin. Those engaged in that industry adopted a resolution setting forth that they will continue to produce cheese, but will not sell it. For months I have attempted to get Chester Bowles to permit an increase in the price of cheese. It costs 32 cents to produce Cheddar cheese, and the manufacturers have been selling it for 27 cents. Wisconsin provides about 56 percent of the cheese produced in this country. Last January the Cheese Division of OPA made a recommendation. They went over the whole field and recommended an increase. "No, no," said Bowles. Now the cheese industry is facing such a situation that it adopted a resolution, which, after a number of whereases, reads as follows:

*Resolved*, That only one course is open to the industry if it is to aid Government, prevent unwanted diversion, produce food, preserve itself, and that course is to continue manufacture but refuse to sell at a loss, and hold it from this day forward until it may be legitimately sold on the basis of cost.

I wrote Mr. Bowles a letter today, which I ask to have printed in its entirety in the RECORD at this point in my remarks, and, following it, that there be

printed the letter addressed to me by the Wisconsin Cheese Makers Association, setting forth the facts I have recited briefly, and setting forth the resolution of the Wisconsin Cheese Makers Association taking the action on which I have commented.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,  
COMMITTEE ON THE JUDICIARY,  
May 21, 1946.

HON. CHESTER BOWLES,  
Director, Office of Economic  
Stabilization, Washington, D. C.

DEAR MR. BOWLES: I am enclosing a copy of: (a) An urgent communication which I have just received from the Wisconsin Cheesemakers Association together with copy of (b) a resolution adopted by this association setting forth its action as mentioned in the copy of letter signed by L. E. Kopitzke and George Mooney.

This association, whose members manufacture 400,000,000 pounds of Cheddar cheese, annually voted, after a recent conference, to withhold all Cheddar cheese from the market until long-overdue price relief has been granted to cheese producers. The cheese-makers have taken this drastic step because they have suffered tremendous losses arising out of an outrageous OPA price ceiling of 27 cents per pound on a product that it costs 32 cents to manufacture.

I know that you are familiar with this situation if only on the basis of the repeated representations I have made to you, urging price relief for many, many months. It is inconceivable to me how your office can continue to maintain ruinous cheese policies which have continued to cripple this vital industry and which have in particular struck a body blow against the industry of my own State, which normally produces more cheese than all the other States combined.

I want to call your attention to a significant fact resulting from your policy. Wisconsin had approximately 1,400 independent cheese factories and now over half of these factories (the resolution which I am enclosing says nearly 1,000) have been closed, sold, or leased. This means that your policy is making not only for destruction of the cheese industry of my State, but for the wiping out of whatever vestiges of small business are left in this industry. The big industries by leasing or purchasing are absorbing these factories.

Way back in January the Cheese Section recommended an increase. Since then costs have gone up still further and yet there is no remedial action on the part of OPA. This is just another illustration of what your inaction is doing in damaging a great industry and making for monopoly.

I sincerely hope that you will see to it that immediate corrective action is taken. Such would be in the interest not only of my constituents, the cheese-makers of the State, but of the great mass of American people who want cheese and are willing to pay a fair price for it.

I hope I will soon hear that you have taken favorable action.

Sincerely yours,

ALEXANDER WILEY.

WISCONSIN CHEESE MAKERS'  
ASSOCIATION,  
Plymouth, Wis., May 20, 1946.

Senator ALEXANDER WILEY,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR WILEY: Price policies of OPA having put the cheese on a red-ink basis for months; the industry was faced with a choice

between ceasing production or continuing to manufacture and refusing to sell until it can be done legitimately on a cost basis.

A large and representative group from the industry at Fond du Lac (May 17) decided unanimously to withhold the cheese from market.

A copy of the resolution adopted is enclosed for your information. We have already commenced holding.

Government is asking for cheese, we are making cheese—but, will not sell until the price has been adjusted.

Both Agriculture and OPA know the facts, the cost at present is 32 cents per pound, the maximum price is 27 cents; we refuse to sell at a loss.

We have construed delayed action by OPA as a refusal to remedy the situation and feel compelled to do so ourselves without endangering the food supply by ceasing manufacture.

May we have an immediate reply?

Yours very truly,

L. E. KOPITZKE,

President.

GEORGE L. MOONEY,

Executive Secretary.

WISCONSIN CHEESE MAKERS' ASSOCIATION, PLYMOUTH, WIS., REFUSE TO SELL CHEESE AT A LOSS

The following resolution was unanimously adopted Friday, May 17, 1946, at a State-wide meeting called by the Wisconsin Cheese Makers' Association at the Retlaw Hotel in Fond du Lac. About 500 producers, cheese makers, and dealers were in attendance and not a single dissenting vote was voiced. All the dealers present expressed their full support and cooperation:

"Whereas OPA ceiling prices and policies affecting cheese have resulted in manufacturing losses in the past 3 years, ruinous to the great cheese industry of Wisconsin and causing the closing, sale, or lease of nearly 1,000 of our 1,400 factories; and

"Whereas the present manufacturing cost of Cheddar cheese is about 32 cents per pound but with a maximum ceiling price of 27 cents per pound; and

"Whereas the situation now calls for definite and affirmative action by the industry if it is to survive; and

"Whereas the present cheese goals and procurement program of the Government will be defeated by OPA policies; and

"Whereas we do not believe we can be compelled to manufacture and sell our product at tremendous total losses: Therefore

"Resolved, That only one course is open to the industry if it is to aid Government, prevent unwanted diversion, produce food, preserve itself, and that course is to continue manufacture but refuse to sell at a loss, and hold it from this day forward until it may be legitimately sold on the basis of cost; further

"Resolved, That this resolution be furnished President Truman, all Federal officials and agencies responsible for this chaotic condition and whose official duty it is to correct it."

Mr. WILEY. I might say, Mr. President, that the inability of the executive department to meet head-on this critical situation is nothing short of criminal. In Wisconsin we have had 1,400 cheese factories, and in this resolution it is recited that 1,000 of the 1,400 have either been sold, or leased, or have quit production. Of course, when they are leased or sold they go to the large manufacturers, and thus the Bowles program results in monopoly, the big fellows taking over the little businesses, and as a result the public, the consumer, is not protected.

I should like to have an answer, if I may, to my question about feed for the

cattle of the Midwest, which is not only the milk factory of the Nation, but the cheese factory and the butter factory.

Mr. MAGNUSON. If the Senator from Oregon will yield—

Mr. MORSE. I yield.

Mr. MAGNUSON. I will say to the Senator from Wisconsin that the matter he has brought up was discussed about 2 months ago with the department, when this question was pending, and it was also discussed before the committee.

The problem at the time was that much whole wheat was being shipped. Several orders have been issued since. I believe that on the Pacific coast the bulk of the wheat is being ground into flour and then exported, particularly that going to the Pacific for the famine areas.

The difficulty is that many of the people in Europe and in Asia who are starving must use the whole grain. They make gruel and porridge of it, whereas if they get the flour, the lack of places in which to bake, and many other factors, make it preferable to ship a great deal of the wheat in the whole grain. It is claimed that the value in calories of the whole grain is so much greater than the white flour value that it is worth while in many instances to do that. But they are going far in the program of grinding the wheat into white flour, which leaves about 20 percent for feed. I agree with the Senator from Oregon that that program came a little bit too late. I doubt if the average Japanese would know how to use white flour, but he knows how to use the whole kernel of the grain.

Mr. WILEY. I might ask another question, in that connection. Statements have been made to the effect that in Europe, whether they use the whole wheat or the white flour, the facilities for producing flour are absolutely gone, and there has been talk about the facilities for distribution being inadequate. I should like to obtain some information so as to assure people that the facilities are adequate, if they are. We know that there are bread lines in California, and people looking for bread, and all over the country our citizens will soon be looking for bread if conditions remain as they are.

Mr. MAGNUSON. The Senator is talking about white bread.

Mr. WILEY. The production of bread.

Mr. MAGNUSON. There is no restriction on bakers making rye bread or barley bread. I remember that when I was a boy bread was even made from potatoes.

Mr. WILEY. I am speaking of wheat bread.

Mr. MAGNUSON. I think approximately 75 percent of the bread consumed has been white bread, because it has been the habit of the American people to use that kind of bread, and they are accustomed to it.

Mr. WILEY. Mr. President, my point is that America is ready to sacrifice as no other nation probably has sacrificed in history, but the people of America want to make sure that when they do sacrifice, the things they give up shall not be lost en route, shall not fall into the hands of black marketeers in Europe, and shall not go to fancy restaurants which charge many dollars for the meals they serve.

Mr. President, I heard former President Hoover's remarks on the general food situation and the distribution of food in Europe. I thought his statement a remarkable one; but I had hoped we could obtain further light on the subject so we would know that what we are doing will be done for the benefit of those who are in need, and that there will be no diversion whatever through any wrongful channels.

Mr. MAGNUSON. In some cases what is now being done will only represent temporary help. In other cases that which the Senator from Wisconsin fears, may perhaps result. But there is an immediate problem in Europe and there also is an immediate problem in the far northwestern section of the United States. Probably transportation difficulties, the dislocation of distribution facilities, will cause more trouble than will arise with respect to the question of supply itself.

Mr. MORSE. Mr. President, I desire to thank both the Senator from Wisconsin and the Senator from Washington for their contribution. The information which the Senator from Washington gave the Senator from Wisconsin with respect to the milling of wheat into flour is the same as that which the Oregon Senators obtained from the Department of Agriculture.

Before I proceed with my speech proper I wish to make a comment on the remarks made by the Senator from Washington in regard to what has been taking place, respecting this problem, during the past several months. I not only am well aware of the great work the two Senators from Washington have done in connection with this problem, but on more than one occasion the Senators from Oregon have cooperated with them, particularly with regard to the first wheat order, when we worked with the knowledge that each group was cooperating in an attempt to have the order modified, so as to make possible a 10-percent increase in the shipments of wheat to the Northwest.

I desire to say further for the RECORD that at no time have the Senators from Oregon ever failed to receive from the two Senators from Washington their wholehearted support in these mutual farm problems. I do not want the Senator from Washington to gain the impression from any of my previous remarks that I entertain the idea that the Washington delegation has not made every possible effort to try to meet this problem. They have been doing a splendid job. Nor do I want the Senator to think that I am putting the major blame for the failure to meet the world food problem insofar as the obligation of the United States are concerned, upon the Congress. What I was saying, however—and the record is clear on this point—is that we did delay during the past year in taking the necessary steps to give UNRRA the support to which that organization was entitled if it was to undertake the planning needed in order to meet food crises as they arose from time to time throughout the world. For that matter there are still pending before this body requests for additional funds for UNRRA, which we have

yet to vote, and which I think we should vote without further delay, because the trials and tribulations of that organization are difficult at best. We certainly should not make them more difficult by further delay on the part of the Senate in seeing to it that necessary funds for the work of UNRRA are appropriated.

I was saying before the interruption occurred, that I am not making a plea this afternoon for feed with which to stop the wastage and great loss of meat that has resulted from the killing off of young chickens and young turkeys because of a lack of feed, although, having been brought up on a farm, it is rather shocking to me to see the tremendous waste which is entailed by sacrificing thousands upon thousands of birds that have great potential meat producing value. I am well aware of the fact that we cannot supply wheat in the quantities needed for human consumption and at the same time proceed to increase the production of all types of livestock at such a rate as to cut in heavily on the wheat supply.

Neither am I making a plea here this afternoon, although a strong argument could be made in their behalf for feed for the livestock producers themselves or for the dairymen who are suffering a tremendous loss of production in the Pacific Northwest as the result of this wheat order. I am reliably informed—I have no question as to the reliability of the statistics made available to me—that large numbers of the finest dairy cattle of the Pacific Northwest are being slaughtered. The dairy men are not merely going out of business and letting somebody else take over the cows and produce in another dairy. That is not what has happened, although there are some such cases. But I tell the Senate that large numbers of very valuable dairy cows are being slaughtered, and the number will increase because in my section the dairy interests cannot get the feed to make dairies a paying proposition during this period of time. The dairymen are taking their losses, and they are sacrificing their valuable herds. Again I say, as one brought up on a dairy and stock farm, that to me that is a shocking situation, because its real cost will not be immediate, its real cost and the real loss to the productive activities of this country will be measured in terms of the next 3 or 4 or 5 years.

That is not a sound economic program. Not much can be done, I admit, by crying over it now. That part of the damage has already been suffered. It is true, as some of the dairymen have said, and as the State director of agriculture of my State said this morning at the conference with the Secretary of Agriculture, that at least the cattle which will not be slaughtered, although they will not be so productive as heretofore, and some of them not productive at all, as the result of the treatment to which they have been subjected because of a lack of feed, at least can be turned out to grass. Some loss will be entailed, but they can be turned out to grass. Poultry, chickens, and turkeys, however, cannot live on grass. They must have grain. They must have feed.

So I am pleading this afternoon for the production flocks of the Pacific Northwest, because it is the production flocks of the great poultry industry of the Pacific Northwest that are going to be exterminated within the next couple of weeks unless relief is promptly afforded.

The State director of agriculture of Oregon said this morning in the office of the Secretary of Agriculture that unless relief is provided within the next week in the State of Oregon alone 1,000,000 productive hens will be slaughtered. Think of it, Mr. President, 1,000,000 productive hens will be slaughtered, and their meat, much of it, will not be used. They will have to be buried. They will represent a complete economic loss, because the facilities are not available to take care of 1,000,000 hens in the State of Oregon which must be slaughtered in 1 week.

At this moment cold-storage plants are bulging with poultry. I have heretofore, in conferences, just as the Senator from Washington has done, by letter, and by telephone calls, for months upon end pleaded with the administrative officers of the Government in charge of this problem to do everything possible to empty the cold-storage plants of this surplus poultry and to use it wherever possible. Some loss might be entailed, but I think we ought to meet the starvation problems of the world even, if necessary, at the cost of some waste, as we found that we could not fight a war without waste. I am not going to be worried about sending some food shipments to Europe, to the Pacific, to the Orient, even though some of it may be wasted. I believe most of it would reach its destination in edible condition. So I have been pleading that that saving be made. Had it been done the storage facilities which are now necessary would be available, and this terrible massacre of the poultry industry in my State and in the State of Washington would not be necessary. There would have been cold-storage facilities available to save at least some of the meat.

What is going to happen, Mr. President? In referring to the States of Washington and Oregon I am not talking about large poultry farms with many thousands of birds. That type of poultry establishment is rarely found in my section of the country. What we have is the small producer, the man in the poultry business who has 1,500 or 2,000 hens. I shall not encumber the RECORD, but I can show, upon request, letters received from veterans who have come back from this war, invested their meager savings in small poultry farms, and gone into the poultry business. As a result of this program they will be completely wiped out economically. I say that it is not fair to them or to the country. It simply is not the right thing to do.

I am disturbed about another angle of this problem. It cannot be laughed off very easily. I am disturbed about the angle which I mentioned this morning at the Department of Agriculture. I am sure that no Member of the Senate can question my sincerity in advocating that the United States shall do everything it can to establish a sound international order in the interest of permanent peace. If America is to live up to the fullest, to

its obligations and responsibilities in connection with our international program, we must have the united support of American public opinion. We must have the people in support of the program. An incident such as this, in an area so extensive as the Pacific Northwest, is the cause of deep resentment being stirred up because of the losses which are being suffered by the poultry and livestock industries of that section. Such resentment is reflected in the mail of Senators. Those of us who are trying to do the best job we can in convincing the American people that we have no other choice but to go along with the United Nations in the development of a sound international program find ourselves in great difficulty when we are confronted with an increasing number of farmers in our State who say that there is something wrong with a program under which the Government is willing to bankrupt some of its own citizens, and, in effect, confiscate their property without compensation, claiming to do it in the interest of relieving starvation abroad.

Of course, I shall continue to do the best I can to persuade the people to realize that meeting the starvation problem is probably the best insurance policy we can take out as a nation against a future war. Nevertheless, they feel that any administration bungling in connection with the program is unjust. They feel—and I must say rightly so—that adequate planning has not been done by those responsible for the program to protect the farmers who are suffering these tremendous losses.

Knowing my section of the country as I do, and as I am sure the Senator from Washington [Mr. MAGNUSON] knows it, I know that the point of the relationship of great mistakes such as this to public support for a sound international program cannot be ignored by the administration. I believe that the interest of sustained public support for what we are seeking to accomplish through the international program of the administration, to which I give my hearty support, entitles Senators and Representatives from the Northwest to some emergency treatment so far as relieving the feed shortage for our poultry industry is concerned.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MAGNUSON. What did the Secretary of Agriculture say this morning? That is what I am interested in.

Mr. MORSE. I was coming to that, but I shall be glad to take up that point now.

Mr. MAGNUSON. I preface the question on the fact that the State of Washington received 50 carloads, and we expect to get more. I hope we can get more. I am pleading for it. I wonder what the Secretary said to the Oregon group.

Mr. MORSE. With regard to the 50 carloads, I assure the Senator from Washington that the Oregon delegation did not go to the Department of Agriculture to take away any of those cars, but to find out about them. We were told by the Secretary and by the Under Secretary that 25 of those cars are to go to the State of Oregon. They were

sent to Spokane only as a terminal point, because that is where the elevator is. But the direct instructions at the time of shipment were that half of them were to go to the State of Washington and half to the State of Oregon. They consist of barley and corn, and not wheat. Moreover, they are only a drop in the bucket.

Mr. MAGNUSON. I am glad to know that. Now I shall have to ask for 25 more.

Mr. MORSE. I hope the Senator can continue to get them. We shall be glad to split the allotment with him.

Mr. MAGNUSON. My point is that we are trying to get as many emergency cars of feed as possible—wheat, barley, corn, or whatever we can get. The Senator from Oregon has been in contact with the Department later than I have been. I talked with a representative of the Department yesterday afternoon. I am wondering if there is any further news.

Mr. MORSE. I shall discuss that question. I had intended to place some data in the RECORD first.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Vermont.

Mr. AIKEN. I wonder if the Senator has any record of the number of cars shipped into his State and the number of cars that stayed in his State for distribution among local poultrymen and dairymen. Does he have any record of the amount of grain which is exported to countries other than the famine-ridden countries of the world?

Mr. MORSE. I do not have such data. I will say to the Senator from Vermont that our problem has been a matter of home consumption. That is, we have consumed that portion of our wheat which we needed for our livestock industry and for our poultry industry, and the rest has been shipped elsewhere. What has happened in this instance is, as the Secretary of Agriculture pointed out to us this morning, that prior to the issuance of the order there was a great quantity of wheat in the State of Oregon which was bought by private concerns outside the State. The farmers in our State usually buy wheat during a certain period of the year for their poultry production. Before that period arrived this year the order was issued which took the wheat away from them. That is why they are caught without any wheat. The so-called surplus wheat is already sold out of the State. The wheat which our poultry producers have always bought is the wheat which has now been taken over by the Government and is not available to the poultry producers. That is why they are in the present situation. They are not asking for any pattern different from the historical pattern.

It is true, as the Secretary of Agriculture pointed out this morning—and I wish to be exceedingly fair about this—that had the poultry producers bought their wheat when it was available last fall or early winter they would not now be short. But the point to remember is, as I stated earlier in my remarks, that they are farmer-producers. They are small operators. They follow very typi-

cal patterns of annual behavior in their farm procedures and methods. It has always been their custom to buy their wheat during a certain time of the year, but before that purchase period arrived this year the so-called stoppage occurred. The Government took the wheat which otherwise would have been made available to them. So there they are, without any wheat, and in an area in which there are no substitute feeds.

Mr. MAGNUSON. Unless they can be brought in.

Mr. AIKEN. I asked the Senator the amount which had been shipped into the State; but I can see that that would be quite meaningless, inasmuch as the poultrymen in the Senator's State buy most of what they require from within the State.

Mr. MORSE. That is correct.

Mr. AIKEN. So there would be no such record.

Mr. MORSE. That is true.

The Senator from Washington [Mr. MAGNUSON] is quite correct. There are no substitute feeds, and will be none unless they can be brought in. This afternoon I am urging that sufficient relief be afforded for a couple of weeks so that plans can be made to get substitute feeds into the State. Unless such emergency relief is granted, the dire results which I have pointed out are as certain to follow as the night the day.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. BREWSTER. I have listened to this interesting discussion. It is a matter of great concern to us in New England. The other day I heard the somewhat extraordinary and disturbing statement made that 143 cars of feed came through New England last week on one day, and that practically all of it went overseas immediately. I do not know whether the Senator from Vermont is familiar with that situation.

Mr. AIKEN. I gave the Senator the wrong information. It was 153 cars that went into New England last Friday. I do not know what became of the feed, but certainly if that is typical of the amount of grain that is going into New England, it is not being distributed in New England. One hundred and fifty-three cars would be more than 200,000 bushels. We would not use that much in 1 day. The assumption is that it is being exported because the world market price is a few cents a bushel higher than the domestic price. I understand that UNRRA is exporting about 10 percent of the grain to foreign countries, and that the other 90 percent goes into the world market. I am not absolutely certain as to those percentages, but that is as I recall them. If a person who is able to buy grain can get 5 or 10 cents a bushel more for it by shipping it overseas to a famine-ridden country or to any other country which has the price to pay for it—and many of them now have—there is an incentive to sell it where it will bring the highest price. Consequently, our small feed mixers in New England are unable to buy grain enough to come anywhere near beginning to supply the poultrymen and dairymen of the six New England States.

Mr. BREWSTER. What answer do those in authority give in connection with the fixing of price schedules on a basis which makes it easier for foreign interests outside the famine areas to secure our grain at the expense of our own consumers?

Mr. AIKEN. I have not had an answer to that question as yet. I suppose that some of the grain is going to the same places to which some of the white shirts went—to countries which have plenty of money to spend and are willing to spend it. I do not doubt that is where it has gone. No doubt it is not wasted, regardless of wherever it goes.

Mr. BREWSTER. Mr. President, I was quite startled to learn that our export trade is now running at the rate of more than \$8,000,000,000 a year, as of the first quarter of the present year. But some of that export trade is made up of UNRRA shipments, which I understand are within that category. However, the UNRRA shipments certainly are not a large proportion of the total of our exports.

Although we have been seeking to develop our export trade, if the present situation reflects in any substantial measure the "advantage" of doing business outside of this country with products which are scarce in this country, because it is better business to send nylons, or white shirts, or any other items abroad and sell them there, rather than to sell them at home under the price ceilings, then it seems to me the matter is of very great concern to us. When we learn that \$2,200,000,000 worth of products have been exported during the first quarter of the present year, our first feeling is one of gratification that we can do so much business. Our second feeling, however, is one of doubt as to whether that total of business reflects to a considerable extent the unfortunate policies which have prevailed under price regulations.

Mr. AIKEN. Mr. President, the Senator is absolutely correct about that. Of course, a goodly share of our exports is going to countries which are not famine-ridden in any respect. Some of our exports are going to countries which do not need the exported commodities any more than we in the United States need them, but they are permitted to pay high prices for them. The Senator knows what countries they are.

Mr. MAGNUSON. Mr. President, of course, it would be somewhat illogical to say that a country which is not famine-ridden would wish to import feed or grain. The countries which are not famine-ridden have surpluses of feed and of grain. Mr. Herbert Hoover listed those countries, and he listed the surpluses of food, as far as he could estimate them. Some feed was sold through the Chicago markets before the issuance of the order, because this problem exists only in New England and in the Pacific Northwest. California actually has a surplus of barley, or will have when the barley crop comes in; and it uses a great deal of barley for feed. But some of the brokers or others who deal in grain may have made commitments to other countries. I am sure that if we look at the facts

we shall find that the countries which are not famine-ridden have surpluses of such products which they themselves are trying to sell.

Mr. AIKEN. No, Mr. President; I think the countries that are buying the most grain are neither the famine-ridden countries nor the grain-exporting countries. They are the countries which have money with which to buy the grain, and they are buying plenty of grain—all they can buy, naturally, because it is a good commodity to have and to be able to sell.

Mr. MORSE. Mr. President, I thank the Senators for their contributions. By their remarks I think they have made very clear that the problem I have been discussing this afternoon is one which is vital to many sections of the country.

I wish to continue my answer to the Senator's question which was, "What did the officials of the Department of Agriculture tell us this morning?" I wish to state that Secretary of Agriculture Anderson and Under Secretary Dodd gave us a very fair and a very considerate and, I thought, a very understanding hearing.

As I said on this floor last week, I think the Secretary of Agriculture not only is faced with a tremendous, as well as a thankless job, but I think he is an exceedingly fair man and that he does his level best to be fair and to try to meet in a fair manner, emergency problems as they arise. But he, too, has what amounts, in fact, to instructions under which he has to work. After all, he is confronted with very definite export commitments in regard to wheat. He is not a magician. He does not have authority to modify those commitments. They involve other branches of the Government, too.

Mr. President, I am making no criticism of those commitments. I simply say that I do not think the commitments should have been made until the inventory which I previously mentioned had been made. I refer to the inventory of the existing grain in this country, when looked at from the standpoint of the minimum needs of the farmers and livestock producers and from the standpoint of maintaining just minimum standards in order to prevent economic wastage of feed, resulting from an order which took from the farmers of the United States feed in greater quantities than they could possibly afford to lose, in view of the existing poultry and livestock situation in the United States. That Mr. President, is a very important point in this discussion.

Why try to fix blame for it? Let us simply face the fact that we have made export commitments for the exporting of grain without first setting in motion a program for the transfer of the necessary substitute feeds to the sections of our country which are entirely dependent upon wheat for feed because they have no substitute feed, such as barley, corn or oats. Such a program simply was not undertaken, with the result that in the northwestern section of the country—and I understand the same situation exists in New England—the poultry producers are finding themselves with a tremendous feed shortage which is putting many of

them into bankruptcy. So much, Mr. President, for a general statement of the principles and policies involved.

Again I wish to say that my whole-hearted sympathy is with the Secretary of Agriculture, who said this morning, "After all, these commitments have been made, and the problem exists in other sections of the country, too. I just cannot change those orders."

In fairness to him it also should be said that, after all, the farmers knew, from releases which were issued by the Department of Agriculture months ago, that when determining their production program for this year they should make certain that they had the grain with which to meet the production.

I am sure that the Secretary of Agriculture was acting in good faith when those releases were issued, and I mean no criticism of him. My admiration for him is too great to permit me to criticize him. But I know farmers, too. I am willing to venture the assertion here and now that the vast majority of them in the northwestern section of the country never heard of the releases. But even if they heard of them, they did not know that the releases meant that, as of this month, there would be imposed upon them, by the Government, a grain restriction which would make it impossible for them to get feed, as they always have in the past, at the time of the year when they buy the feed for their new crops of poultry. That is not a reflection on the farmers, either, but it is a statement of fact, namely, that, after all, they plan by habit and pattern, and that has been their habit and that has been their pattern; and if there was any intention on the part of the Government to attempt to change that pattern, then I say without hesitation that much more should have been done to impress upon the farmers exactly what grain program they should follow.

However, that was not done. I think the Secretary of Agriculture would be the last to say that the farmers really realized at any time that the emergency situation in which they now find themselves would come to pass. They certainly did not realize that. That is all there is to the matter. Now they are rising up with tremendous resentment. Certainly they are willing to make sacrifices to relieve starvation, but try to convince them that that means that they should be put out of business, should voluntarily accept the bankruptcy which is being imposed upon many of them.

If the Government says, "Oh, well, after all we have to have the wheat for this purpose," as I said last week, if it comes to pass that no relief of any kind can be afforded and provided in this emergency, then I have no question that the Government has a moral obligation in that respect. After all, the Government has just as great a duty to meet that obligation as it has to meet any of the other moral obligations it has to the people of this country. I have no doubt about its moral obligation to see to it that the farmers who are suffering this tremendous loss as a result of this chain of circumstances are recompensed for the loss they are suffering. It is the least

we can do, and it is the fair thing for us to do.

Mr. President, it is all very well to talk about principles and policies in connection with this problem. We discussed them this morning with the Secretary of Agriculture. He has a very good understanding of them. He admitted, I may say to the Senator from Washington, that he did not know what could be done. After the Secretary had left the conference because of an appointment which he had to keep, the Under Secretary of Agriculture said that he did not know what could be done. We spent approximately half an hour with the Secretary, and the other half hour with the Under Secretary. That is a great deal of time to give out of the day of any busy administrator or any Senator. After the Secretary left the conference the Under Secretary said, "Gentlemen, I do not know what we can do about it, but we will see if anything can be done. We make no commitments or promises." But one suggestion was made in the conference which I thought contained a great deal of common sense. It was made by Representative ELLSWORTH of the Fourth District of Oregon. He stated that perhaps we could make a paper trade. He suggested that, for the time being, we be allowed a certain quantity of wheat in order to meet the 2 weeks' emergency, a quantity consisting of 320,000 bushels to which the Senator from Washington has referred, and which has been taken by the Government. The suggestion was made that we use whatever portion of it might be necessary in order to meet the emergency, and at the same time start on its way to Oregon substitute feed such as corn, barley, and oats from the Middle West.

However, I may say to the Senator from Washington that the Government has no control over that substitute feed. That fact is one of the interesting things in connection with the feed program. We limited the Government's participation in the program to wheat. In my judgment, that was a mistake. The problem is not a wheat problem but it is an American grain problem. It should be handled as an over-all grain problem and not merely as a wheat problem.

In order to do justice to all sections of the country, the Government should exercise control over the substitute feed and see to it that sufficient quantities are directed to such sections as the Pacific Northwest and New England, in order to relieve the hardship which would be suffered by the farmers of those countries if we were to take their wheat away from them and give them no substitute in return.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. AIKEN. I think it would be entirely possible for the Government to take over control of a large portion of the substitute feed which is now available, and see to it that all parts of the country are given what should be given to them. As the Senator from Oregon knows, on the 15th of January the Government took over control of protein feeds. While there had not been protein enough to go around, I have not heard of any section

of the country complaining because of not receiving its share of what was available. Through cooperation with the trade, the Government directed shipments to be made of protein meals and other protein feeds so that each section of the country received its properly allocable share. I have not observed any reason for not doing the same with substitute feeds, such as barley, sorghum, and other grains. If the Government had not done what it did during the middle of the winter, I believe we would not now be in such dire straits as we seem to be in, particularly on the Pacific and Atlantic coasts of the United States. I hope we have learned our lesson and that next winter, if conditions promise to be the same, the Government will assume the responsibility of directing the allocations of other grains just as it did this year in connection with proteins. I have heard no complaints from the trade with respect to the allocation of the proteins, but, nevertheless, there was not nearly enough to go around.

Mr. MORSE. I thank the Senator. I think what he pointed out is what should have been done months and months ago when the Government prepared to meet this crisis.

Mr. AIKEN. The Senator is correct. Plans should have been in preparation to be applied on short notice if it became necessary to put them into effect.

Mr. MAGNUSON. Mr. President, I think it should be done now, because the present situation will have to be relieved for a long time by so-called substitute feeds. An equitable allocation of substitute feeds will be necessary. There are many farmers in the Middle West who have plenty of feed and do not wish to sell it.

However, Mr. President, let us be fair with the executive department. After all, commitments were made by the United States on the basis of information which came pretty late with regard to the famine-stricken countries of Europe. I know of countries such as Belgium who have made five successive reductions in rations. It is somewhat difficult to have much sympathy with the Japanese, but they reduced their rations to 300 calories a day. An American could not subsist on a ration of that kind. I do not know what we must do when we are forced to choose between feeding a chicken and feeding someone who is dying in Europe. Herbert Hoover, as well as others, has said that this must be our absolute minimum commitment. Of course, there was some bad planning in connection with distribution, and unless the Government takes over the so-called allied feeds and distributes them equitably, difficulty will follow.

Mr. MORSE. Mr. President, I agree with the Senator. I cannot believe that if we exercise our combined abilities in a united effort to work out a proper program within the administrative departments of the Government, we cannot solve the problem without doing the tremendous damage which is now being done to the poultry-producing sections of our country.

Mr. MAGNUSON. As the Senator has said, there is no question about what could be done if we were to try. It was

suggested to the Department about 2 or 3 weeks ago that there were sufficient stock piles to take care of the problem. Those piles will not be shipped abroad for 30 days.

Mr. MORSE. That is the point I wished to make. Representative ELLSWORTH made the suggestion this morning that we borrow for the 2-weeks' period, from the 320,000 bushels of so-called commodity credit wheat now available on the West coast, use it to meet the present emergency, and charge it against our future obligations under the wheat program. It may be said that we need the wheat now. As the Senator from Washington has said, that wheat will not be shipped. It cannot be shipped. The facilities are not available for shipping it. I know something about the shipping problems of the Pacific coast, having worked in an official capacity on the water front from 1935 to 1941. I know something about how cargoes are built up on shores before they ever reach the ship. Wheat will be piled up for months and months to come. The quota which will be necessary in order to meet the present emergency will be but a small quantity so far as having any effect on the movement of wheat abroad is concerned. So I think there should be some borrowing against the wheat quantity credit on the part of the States of Oregon and Washington.

Mr. President, there was also included in the suggestion to which reference has been made, that the Southwest, particularly Texas, which is about to bring its wheat onto the market, should make available to the Government a portion of its wheat. It was suggested that the Government take from Texas a percentage larger than the percentage set forth in the order, with the understanding that when the Northwest crop comes into the market Texas will have its increased percentage returned to it from the northwestern production. Of course, there will probably be some expense in connection with such an exchange; but we are dealing with a problem which is as vital to the welfare of the world as were the problems connected with the successful prosecution of the war. I make no defense of unnecessary waste, but I am ready to defend any waste which may be necessary in order to meet the starvation problems of the world, and see to it that justice is done to the producers of poultry in the Pacific Northwest and in the New England States.

Mr. President, I have talked, as I have said, about the policies and the general principles involved in this problem. I now wish to put into the RECORD—and it will take me only a few minutes—some data bearing directly upon the policies and the principles to which I have referred.

I want the RECORD to show that Oregon's 1946 turkey production goal established by the United States Department of Agriculture is 2,221,000 birds, or 85 percent of the 1945 production. As I said earlier in my remarks, the senior Senator from Oregon [Mr. CORDON] and I are greatly indebted to the State director of agriculture of the State of Oregon for these data.

Actual numbers being raised, according to careful surveys of the Oregon State Department of Agriculture, approximate 50 percent of the 1945 production of 2,605,000 birds, or 1,302,000, a reduction below the requested amount of 915,500 birds.

To feed 1,302,500 birds through the period May 20 to July 20, 1946, figuring 73 pounds of grain to raise one bird, requires 448,206 bushels of wheat. I digress for a moment to do a little State boasting. We raise turkeys in Oregon, and they are really turkeys. They are the double-breasted variety.

Mr. AIKEN. Will the Senator yield?

Mr. MORSE. I shall be glad to yield as soon as I finish these statistics.

Mr. AIKEN. Are the turkeys raised in Oregon mostly Vermont turkeys?

Mr. MORSE. They are pretty good competitors of the Vermont turkeys.

Mr. AIKEN. Are they sold as Vermont turkeys?

Mr. MORSE. I am going to share honors with Vermont in this matter.

Mr. AIKEN. When Vermont raises only about 200,000 turkeys a year, I have often wondered how it came that there seemed to be several million Vermont turkeys finding their way to the market. [Laughter.]

Mr. MORSE. To proceed with my statistics, the Oregon birds of ours are exceedingly large, of the double-breasted variety, and it requires 73 pounds of grain to raise one bird, maturing in 7 months, and allowance is made for heavier consumption as the bird matures, so that in all 448,206 bushels of wheat are required.

Basing Oregon's requirements for poultry feed other than for turkeys upon the goal established by the United States Department of Agriculture for hens and pullets to be upon farms as of January 1, 1946, of 3,206,000, reduced by 20 percent as a result of United States Department of Agriculture orders limiting the use of grain to 80 percent by months of that used during 1945, gives 2,564,800 birds, which equals a reduction from 1945 of 901,200 birds.

We find there will be needed during the period May 20—July 20, 1946, on the basis of an annual use of 75 pounds of grain per bird, wheat or its grain equivalent to the extent of 528,990 bushels.

These figures exclude any consideration of chickens raised for meat purposes.

The total grain requirements therefore for Oregon's turkeys and poultry industries during the period May 20—July 20, 1946, reduced 50 and 20 percent, respectively, over comparable 1945 figures equals 977,196 bushels of wheat or its grain equivalent. Pounds of grain required per bird are furnished by Oregon State College, Division of Animal Industries.

There are few individually large growers of either turkeys or chickens in Oregon. Particularly is this true with respect to chickens. Nearly all are small commercial growers raising no products other than chickens for eggs or turkeys for meat. Hatcherymen depend on small breeder flocks for their supplies of hatching eggs. There are a few large growers numbering less than a hundred for the

entire State. As a result the local feed dealer, a small businessman, is the source of feed supplies purchased usually in small lots of a ton or two as needed, because the farmer, the small producer, cannot afford to buy more. He has not the wherewithal with which to pay for it.

The country feed dealer secures his supplies from the terminal feed manufacturers or from wholesale jobbers. Feed manufacturers depend upon the commercial grain trade for feed grains. Country feed mixers depend on the commercial grain trade as well. Normally all grains used other than corn is raised either within the State or within the northwest area. During recent years including most of 1945 the Government's feed wheat program accounted for an average of 6,611,000 bushels of wheat per year for the years 1943—44—45 being sold in the area. The withdrawal of this source just prior to the time when feed supplies began to tighten and become difficult to obtain resulted in a gap the feed trade supplying turkey and poultry raisers found it impossible to bridge. Neither did usual quantities of 1945 crop corn move westward to Oregon. Previously, a considerable amount was sent into Oregon, but not in 1945. Shortages of railroad cars prevented feed manufacturers from accumulating wheat inventories from local producing areas prior to a step-up in the Government's export program. Then the Government itself used the cars and moved wheat at a time feed manufacturers and dealers were trying desperately to accumulate inventories. When the car situation cleared for westerward rail movement from our production area, the wheat was gone. Oregon depends on the Midwest and South for the bulk of its vegetable oilseed meals—the predominant source of proteins for livestock and poultry feedings. As a result of the failure of the Government to effectuate distribution of short supplies through its 5 and later 10-percent set-aside order to processors, Oregon during December 1945 and January, February, and March 1946 was compelled to use more grains than would have been necessary had proteins been available even in somewhat reduced amounts to permit more efficient utilization of those grains.

Government exports from the Northwest to March 9, 1946, were 23,000,000 bushels of wheat. That is a good deal of wheat, Mr. President. I am glad it was available for export, but I point out that that farmers of my State know that we shipped 23,000,000 bushels of wheat. They also know that today many of those farmer producers are faced with bankruptcy, and they feel that the Government should adopt an emergency program of some kind, such as we have discussed heretofore on the floor this afternoon, to save them a financial loss.

I think they are right, and they are going to continue to insist, in my judgment, upon justice being done them. I am going to continue, as is my senior colleague, to do everything we can within the power of our office to see to it that justice is done.

Private exports were 8,000,000 bushels. Exports in the form of flour were esti-

mated at 10,000,000 bushels, or a total of 41,000,000 bushels, nearly half of the area's total production.

Have we done our job in the Northwest? The figures speak for themselves. I am not one to stand on the floor of the Senate and discuss general principles and policies without being ready to back up my statement on policies with data, on this issue or any other issue.

Here are the facts: Let the administration forces charged with the responsibility for this program face these facts, and then determine, once they digest the facts, whether the farmers of my section of the country are justified in saying to their Government, "Yes; we will cooperate and help stem the tide of starvation throughout the world, but we cannot help if you bankrupt us, we cannot help if you take away from us our only source of economic livelihood. We only pray for temporary relief, that we may borrow some wheat from the Commodity Credit supply until the Government can get some substitute feed in our area so that we can feed our people." The borrowing should be subject to the understanding that the amount borrowed would subsequently be made up from the 1946 crop to whatever amount is necessary in excess of the 25 percent which the Government has already announced it will take from the 1946 crop for use in the world food program.

In the face of this movement and an extremely tight feed situation, the Government stepped in when feed manufacturers were trying to buy stocks at legally established ceiling prices and offered 30 cents a bushel premium thus stopping the feed manufacturers from further purchases.

Obviously, the feed manufacturers could not buy at 30 cents less than the Government was paying. I am not criticizing that Government policy. I am merely stating a fact about it. Obviously, the moment the 30-cent premium went into effect the feed manufacturers, the so-called mixers who mix the poultry feed, could not buy the wheat because they could not pay the 30 cents unless they went into the black market. Therefore, the Government cannot escape some responsibility for the situation. Of course, I think that the wheat should have been moved from the farms. As the Secretary of Agriculture properly said this morning, "In your State the barns were bulging with stored wheat; they were storing it in any receptacle in which they could store it." That is true. I think the Government was quite right in paying a premium in order to get the wheat off the farm. The fact remains, however, that as the result of the premium feed manufacturers could not buy the wheat, and it could not be made available to the poultry purchasers.

The situation was so acute by April 19, 1946, that the chairman of the Oregon State United States Department of Agriculture Council wired Secretary of Agriculture Clinton P. Anderson as follows:

Information available to Oregon United States Department of Agriculture Council leaves no doubt but what April 1 wheat stocks in all positions in three Northwest States are seriously short and at least 10,000,000

bushels below requirements until new crop available. To meet situation and bring about equitable distribution of remaining stocks, council recommends—

What is the council? The council of the United States Department of Agriculture in the Pacific Northwest. This is what these agricultural experts on the field recommended to the Government— Immediate stoppage of exports of wheat from three northwest States and that such wheat as is obtained under purchase certificate program be diverted by CCC for feed. That milling be reduced at least 25 percent. That bread loaf be cut 10 percent and President be requested to instruct Food and Drug Administration to relinquish labeling requirements during emergency. Stress more active participation of hotels, restaurants, and public generally in reducing the use of wheat.

Even if the above recommendations are carried out, Northwest will need to import at least 6,000,000 bushels and it is suggested that steps be taken promptly by the appropriate Government agency to bring that amount into this area.

When was that? April 19, 1946. That is a pretty clear telegram. We cannot make much mistake about what that council meant or what the facts were that it had found. I am not saying that something should have been done about that telegram, but I am saying that nothing was done.

Again, on May 10, the chairman of the council wrote Secretary Anderson as follows:

The Oregon USDA Council is gravely concerned with the feed supply situation in the State resulting from the heavy wheat exports to famine areas. On April 19 I wired you the council's report that remaining wheat supplies in the Northwest were about 10,000,000 bushels short of requirements. In view of this shortage and its effect on the livestock and poultry industries, the council asked for an immediate stoppage of exports of Northwest wheat. At its meeting today the council again considered the situation, and from the information presented, it is apparent that wholesale liquidation of laying flocks is in prospect.

That was on May 10. Notification was given that there must be wholesale liquidation of production flocks. I am talking about the very foundation of the poultry industry in my State, and it applies to the State of Washington, too. I continue to read the letter:

The council recognizes that heavy reduction in both poultry and livestock is necessary to do our share of feeding the starving abroad. But the council believes that the Pacific Northwest has been doing much more than its share in sending wheat to the famine areas.

I digress to recall again that 41,000,000 bushels were sent. That is a tremendous quantity of wheat to come out of an area.

It now has reached the point where emergency action must be taken to prevent wrecking of the poultry industry far beyond the point of individual hardship. Accordingly, the members of the council agreed unanimously on the following:

1. That immediate steps be taken by the Department to ship in corn from Commodity Credit stocks.

A very sensible suggestion.

2. That Oregon poultry producers be urged to immediately increase the rate of liquidation of flocks.

That is, that there be strict culling; that they keep only the best production birds. That is fair enough. They ought to do it. If storage facilities were available, as I suggested earlier in my speech, that could have been done, at least without complete loss to the farmer, whereas now a large percentage of the birds will have to be destroyed, that is buried, and used for no food purpose whatsoever.

3. That we again urge you to halt exports of Northwest wheat.

4. That the corn and wheat made available through imports of corn and cessation of wheat exports be used exclusively for feed, and that the distribution be controlled so as to make certain that none is used as food.

We have vigorously promoted the food-conservation program and will continue to do so. Indications are that widespread public cooperation is being achieved. We would strongly oppose making one single bushel of additional grain available for milling for domestic consumption.

Still nothing has been done. Oregon faces, not reduction of its poultry flocks, but liquidation. There are not enough slaughtering facilities or storage facilities either, so that much of such poultry as must be slaughtered will be a complete loss. Growers were given goals by the United States Department of Agriculture in the fall of 1945 for 1946 production and encouraged to meet them. Their only offense is having done too well. In February 1946, after having set this production pattern to meet the goals established, the same Government, through its Department of Agriculture, limited the amount of grain which might be used for feed purposes, automatically reducing production by the extent of the limitation, or 20 percent. Then the Government competed for grains to ship abroad and used up a major portion of what otherwise would have been available for domestic uses, including feed. That same Government now says it has no facilities for making feed grains available in areas of acute feed shortage except through persuasion of handlers. It admits the gravity of the situation and then claims to be powerless to act. We are told that because we did not reduce our flocks as much as we were requested to they are now to be exterminated.

Let me make that point very clear, because the record concerning it is unanswerable. It is true that the poultry producers in my State failed by some 6 percent to reduce to the amount requested by the Department of Agriculture, but the average for the country was a failure of 19 percent. In other words, we did much better than the country at large did, and yet the Pacific Northwest is one of the two great sections, New England being the other, which is called upon as the result of the application of this order to take this unconscionable loss.

I repeat. We are told that because we did not reduce our flocks as much as we were requested to, they are now to be exterminated. It seems the Government is more concerned with the welfare of citizens of other nations than of its own. Oregon's livestock raisers including its poultrymen are ready and willing to make their production available for relief purposes but object to being ex-

terminated as producers as a result of Government action. The food supplies of all America's citizens are threatened as extermination of American food producers cannot do other than reduce our own food supplies.

I close, Mr. President, by reiterating that I have made these remarks in behalf of myself and my senior colleague [Mr. CORDON]. I desire to say again that we have no desire in any way to injure the food program of the Government; but we say to the administration that the facts speak for themselves, and if the administration continues the course of action it is now following it will waste much more food than it will save by the wheat program now being administered. The administration will make less food available to meet the starvation problems of the world than it is now making available by taking away from the Pacific Northwest and the New England States the small quantity of wheat necessary to tide us over for a couple of weeks until substitute grains can begin flowing.

I wish to say, Mr. President, that I think the point needs to be made clear to the American farmers and the American consumers generally over and over again that the starvation problem ahead of us is a 2-year problem. As I said the other day, it cannot be solved with the 1946 world crop. It will require the 1946 world crop and the 1947 world crop; and we cannot get a single world food expert who has made a study of it to tell us with certainty that in his judgment the 1947 crop, along with the 1946 crop, will meet the problem. Hence, I say that we cannot afford, in an emergency such as this, to destroy such a great production resource as the poultry industry of the Pacific Northwest and the New England States.

I think the facts are unanswerable. They conclusively show that by borrowing a quantity of wheat for the time being in order to save the industry we shall not in the long run prevent a single pound of wheat from going abroad. In view of that fact, it is the clear duty of the Administration to take whatever emergency steps may be necessary in order to save the poultry industry of my State and of the State of Washington, represented in part by the able Senator from Washington [Mr. MAGNUSON], as well as that of the New England States.

I repeat the suggestion which I made last week, that I think the time has come, in view of the mistakes which have been made, the misunderstandings which have developed, and the feelings of the farmers in regard to the program, for the President of the United States, without further delay, to call a food conference to be attended by the outstanding food experts of America, including representatives of the farmers, to devise a blueprint of production and a grain program national in scope which will prevent a repetition of the colossal mistake which has resulted in this great emergency in my section of the country.

Mr. MAGNUSON. Mr. President, I wish to make one remark to the Senator from Oregon. I still have not an answer as to what the Secretary said about

making the transfer. I made that suggestion to him 2 weeks ago. He said something would be done about it. Fifty cars were sent. But what did he say? Did he think the transfer could be made or not?

Mr. MORSE. He did not say directly that it could or could not be done. I think it is quite proper that he should not, because I think the truth of the matter is that he is very much in doubt as to what can be done, and what his powers are. He wants to do it, and I am sure he will do whatever he can, and whatever he is allowed to do. But, as I have previously stated, after all, the Secretary has his responsibilities to the President and to State Department. He will do whatever he can.

Mr. MAGNUSON. He is allowed to make the transfer. All the President of the United States is concerned with is that America, so far as possible, keep her over-all commitments, which are the minimum requirements set forth by an impartial fact-finding board. If those minimum commitments are taken care of, the Secretary surely can make a suggestion, or take action himself, by making what the Senator calls a paper trade. There is some wheat in our area.

Mr. MORSE. I certainly cannot speak for the Secretary, and I would not attempt to do so. However, he left me with the impression, as did the Under Secretary that he does not know whether the substitute feeds, which, after all, are in the hands of private dealers and not in the hands of the Government, can really be transferred to the Pacific Northwest by the Government unless further instructions are given the Secretary of Agriculture or greater power is given to him to take over the substitute feeds. That is the essence of the problem. I take it for granted that the administration could, if it so desired, authorize, for a period of 2 weeks, use of the so-called Commodity Credit wheat which is out there.

Mr. MAGNUSON. That is what I had in mind.

Mr. MORSE. But naturally the Secretary of Agriculture is hesitant to do that until he knows whether or not, after he takes over that grain, it can be replenished, and whether or not the substitute grains which might be sent out there would really solve the problem. It is a long-time problem. I suppose that if I were in his position I would probably feel somewhat this way: "If I solve the problem for 2 weeks, I shall not have helped the situation very much unless I can be certain that by the end of the 2 weeks I can devise a plan to provide and send substitute feeds so as to save those birds."

I feel that if Secretary Anderson can arrive at any solution of the problem on the basis of his present powers and instructions, he will do so.

Mr. MAGNUSON. We are hoping that the 5-year program will bring the substitute feeds in.

Mr. MORSE. I certainly hope so.

Mr. MAGNUSON. Mr. Dodd said that he would probably know about the borrowing feature about the middle of this week. I hope it may be effective.

Mr. MORSE. I join in the Senator's hope.

#### EXECUTIVE SESSION

Mr. MAGNUSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. KNOWLAND in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Harry E. Kalodner, of Philadelphia, Pa., to be judge of the United States Circuit Court of Appeals for the Third Circuit, vice Charles Alvin Jones, resigned, which was referred to the Committee on the Judiciary.

#### EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. OVERTON, from the Committee on Commerce:

James M. Landis, of Massachusetts, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1947.

By Mr. TYDINGS, from the Committee on Territories and Insular Affairs:

Francisco A. Delgado, of the Philippine Islands, to be a member of the Philippine War Damage Commission;

Frank A. Waring, of California, to be a member of the Philippine War Damage Commission; and

John S. Young, of New York, to be a member of the Philippine War Damage Commission.

By Mr. HATCH, from the Committee on Public Lands and Surveys:

Paul A. Roach, of New Mexico, to be register of the land office at Las Cruces, N. Mex. (Reappointment.)

By Mr. O'MAHONEY, from the Committee on Public Lands and Surveys:

Lorraine Rollins, of Wyoming, to be register of the land office at Evanston, Wyo. (Reappointment.)

By Mr. JOHNSON of Colorado, from the Committee on Public Lands and Surveys:

Lloyd T. Morgan, of Colorado, to be register of the land office at Pueblo, Colo. (Reappointment.)

#### CONFIRMATION OF ARMY NOMINATIONS

Mr. HILL. Mr. President, the Senate Committee on Military Affairs, at a well-attended meeting of the committee, today unanimously ordered reported favorably to the Senate the nominations of the young men who are to graduate at the United States Military Academy in the next few days. These nominations are for commissions as second lieutenants in the Army. So, in behalf of the Senator from Utah [Mr. THOMAS], chairman of the Committee on Military Affairs, I report the nominations favorably, and I ask unanimous consent that the nominations be considered at this time and that they be confirmed en bloc.

Mr. WHITE. Mr. President, I take it that these nominations come in the usual course. Under the circumstances, I think it is proper to do what has been requested by the Senator from Alabama.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and, without objection, the nominations are confirmed en bloc and the President

will be notified at once of the confirmations.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

#### UNITED STATES DISTRICT JUDGE

The legislative clerk read the nomination of John W. Murphy to be United States district judge for the middle district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### UNITED STATES ATTORNEY

The legislative clerk read the nomination of James T. Gooch to be United States attorney for the eastern district of Arkansas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Without objection, the President will be immediately notified of all nominations confirmed this day.

That completes the calendar.

#### RECESS

As in legislative session,

Mr. MAGNUSON. Mr. President, I ask unanimous consent that when the Senate concludes its business for the day, it take a recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. BALL. Mr. President, reserving the right to object, earlier in the day I discussed with the Senator from Washington the possibility of meeting at 11 o'clock a. m. tomorrow in an effort to expedite consideration of the pending legislation. However, in view of the somewhat light attendance, we both agreed that it might not be wise at this time to change the normal hour of meeting. However, I serve notice now that I shall do what I can to keep the Senate in session, and engaged in consideration of the pending bill, tomorrow evening until a reasonable hour. I hope that during the remainder of this week, after tomorrow, we can meet at 11 o'clock a. m. in an effort finally to dispose of the bill by the end of this week.

Mr. MORSE. Mr. President, I shall be very happy to join with the Senator from Minnesota in attaining that objective.

I can assure the Senator from Minnesota that the speech which I delivered today at the end of the afternoon session was delivered after it was perfectly clear that the Senate was ready to take a rather early recess. The Senator from Washington yielded to me so that I might make a few comments. I understand that he did not intend to speak at great length, and that the speech which I made, and most of the time which I consumed, were during a time when I can assure the Senator from Minnesota that otherwise the Senate would have been in recess. Then, too, it was quite in line with my 5 o'clock practice.

Mr. MAGNUSON. I will say to the Senator from Oregon that the reason I yielded was that the problem is just as important to me as it is to the Senator from Oregon.

As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 32 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, May 22, 1946, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate May 21 (legislative day of March 5), 1946:

##### JUDGE, UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

Hon. Harry E. Kalodner, of Philadelphia, Pa., to be judge of the United States Circuit Court of Appeals for the Third Circuit, vice Hon. Charles Alvin Jones, resigned.

##### IN THE ARMY

The following-named cadets, United States Military Academy, who are scheduled for graduation on June 4, 1946, for appointment in the Regular Army of the United States:

*To be second lieutenants with rank from June 4, 1946*

##### CORPS OF ENGINEERS

Ferd Emanuel Anderson, Jr.  
Robert Hildebrand Ahlers  
Frederick Clark Badger  
Charles William Barker  
Roy Pearl Beatty  
Jack George Becker  
Charles Edward Bonner  
Edgar Garfield Braun, Jr.  
David Drummond Brown  
Levi Aloysius Brown  
Robert Howell Bryan  
Dwight Comber Burnham  
Bernard Earl Conor  
Robert Emmett Crowley  
Franklin Richard Day  
William George Devens, Jr.  
Leonard Edelstein  
George Bernard Fink  
Frederic Alcott Frech  
Francis George Gosling  
Peter Grosz, Jr.  
John Richard Hacke  
George Gross Hagedon  
David Clayton Hinshaw  
Saul Horowitz, Jr.  
David Niesley Hutchison  
Joseph Anthony Jansen  
Daniel Marshall Leininger  
James McClure, Jr.  
William McCollam, Jr.  
Robert Joseph Malley  
Leo John Miller  
Arthur Andrew Murphy  
Wayne Stanley Nichols  
Richard Glenn Patton  
Billy Pat Pendergrass  
John Perkins 3d  
Lewis William Rose  
Robert Martin Rufsvold  
Edward A. Saunders  
William Powers Schneider  
David Kirkwood Sheppard  
David Halstead Smith  
John Ember Sterling, Jr.  
Milton Albert Strain  
Charles Robert Hatch Supplee  
Edmund George Taylor, Jr.  
William Kappes Thomasset  
Max Marsh Ulrich  
Ray Moore Wagoner, Jr.  
Charles Torrey Williams  
Robert Gregg Williamson  
William Robert Wray

##### SIGNAL CORPS

Alford Edward Allen  
Gilbert Chester Anthony  
John Stanley Baumgartner  
James Joseph Dorney  
Basil Beebe Elmer, Jr.  
Gerald Samuel Epstein  
Harold Clinton Friend  
Alexander Gerardo  
Falcon Pierce Gibson

John Henry Grady  
William Walton Hall, Jr.  
William Theodore Lincoln  
Charles Robert Myer  
Bernard Joseph Pankowski  
William Fuller Pence  
Alexander Dominic Perwich  
Murray Putzer  
Charles Lafayette Robinson  
William Ferdinand Scharre, Jr.  
Herbert Ardis Schulke, Jr.  
Amos Blanchard Shattuck 4th  
Harold Joseph Stirling  
William Britton Teglund  
Alfred Henry Victor, Jr.  
Marvin Stuart Weinstein  
John McReynolds Wozencraft

##### CAVALRY

Richard Gordon Beckner  
Stanley Delbert Blum  
Paris Russell Burn, Jr.  
John Crouse Burney, Jr.  
John Charles Cassidy  
Joseph Claypoole Clark  
Frank Donald Conant, Jr.  
James Arthur Day  
Robert Fyfe Mein Duncan, Jr.  
Stephen Orville Edwards  
Lawrence Lloyd Elder  
Robert Lewis Frantz  
Howard Rowson Fuller, Jr.  
Jack Keith Gilham  
Benjamin Shaw Hanson, Jr.  
Everitt Fee Hardin  
Kibbey Minton Horne  
Wilbur Fields Joffrion  
Robert Edmund Knapp  
Jack Wilson Kopald  
Arthur James Lochrie, Jr.  
Ray Rodgers McCullen  
William Herbert McMaster  
Samuel Rucks Martin  
George Livingston Miller  
Leon Bowman Musser, Jr.  
Roger Hurlless Nye  
George Frederick Otte, Jr.  
Wilton Burton Persons, Jr.  
Albert Lyle Ramsey, Jr.  
Selwyn Phillips Rogers, Jr.  
Edward James Roxbury, Jr.  
Mason Pittman Rumney, Jr.  
Jack Lawrence Schram  
Charles James Simmons  
Norman Theodore Stanfield  
Richard Wendell Streiff  
Andrew Burton Talbot  
Oscar William Traber, Jr.  
John Russell Treadwell  
James Kerry Trimble  
Guy Kent Troy  
Matthew Reid Wallis  
George Stanley Webb, Jr.

##### FIELD ARTILLERY

Frederick King Alderson  
Gunnar Einar Andersson  
John Loveland Armstrong  
Robert Anderson Babcock 3d  
David Thomas Baker  
Van Roy Baker  
Edwin Wallace Basham  
Rex Webb Beasley, Jr.  
Frank Milton Bowen, Jr.  
Robert Bruce Bowen  
Philip Brian Brady  
Herrold Emerson Brooks, Jr.  
Benjamin Clyde Brown  
Robert Owen Bullock  
Ray Lawrence Burnell, Jr.  
Robert Fleming Carter  
James Richard Cavanaugh  
Benjamin Keller Chase  
Steven Livesey Conner, Jr.  
Thomas Morton Constant  
James Edward Convey, Jr.  
Felix Foster Cowey, Jr.  
Robert Grewelle Cramer  
Charles Dwelle Daniel, Jr.  
Harry Alford Davis, Jr.  
John Blackford Dayton  
Walter Joseph DeLong, Jr.

George Lightfoot Dennett  
Glenn Willard Dettrey  
Richard Boyer Diver  
James Thomas Dixon  
Farrel Elmore Dockstetter  
Frederick Andrew Dodd  
James Montgomery Elder  
Hunter Harry Faires, Jr.  
Martin Bruce Feldman  
Elisha James Fuller  
Thomas Edward Gaines  
Thomas Leigh Gatch, Jr.  
Raymond Harlan Gilbert, Jr.  
Joseph Anthony Giza 3d  
Samuel Grier 3d  
George Warren Griffith  
William Howard Grisham  
Philip Darlington Haisley  
Charles Maurice Hall  
Hal Edward Hallgren  
Robert Milton Hamilton  
Walter Fleming Hamilton, Jr.  
Jesse Simmons Harris  
Robert Carroll Hawley  
Rutledge Parker Hazzard  
Frederick Francis Hickey, Jr.  
John Christopher Hoar, Jr.  
Granville Watkins Hough  
Joseph Edward Houseworth 3d  
Thomas Moore Huddleston  
William Arthur Humphreys  
Gordon Ross Jacobsen  
Amos Azariah Jordan, Jr.  
Edwin Mortimer Joseph  
Jean Krummel Joyce  
Robert Carleton Key  
William Martin Kiser  
Robert Ernest Kren  
Lloyd Charles Kurowski  
Ralph Irving LaRock  
Robert Vernon Lee, Jr.  
Robert Emil Lenzner  
James Robert Loomer  
Lawrence Joseph Luetgten  
Thomas Henry McBryde  
John Daniel Henry McDonough  
Robert Langham March  
Jack Franklin Matteson  
Doyle Merritt  
Carey Wayne Milligan  
Edward John Morgan  
Robert Franklin Morris  
George Carlisle Muir, Jr.  
Patrick Joseph O'Connor  
Carroll Raymond O'Neill  
John Kenneth Paden, Jr.  
Stephen Joseph Pagano  
John Griffin Parker  
William Croom Parker  
Joseph Peter Pepe  
Richard Sharon Pohl  
John Thomas Price, Jr.  
Everett Lipscomb Rea  
William Thomas Reeder  
Louis Nelson Roberts  
Elisha Miller Robinson, Jr.  
Guy Arnold Rogers  
Richard Robert Sandoval  
Carl Paxton Schmidt  
Roy Gayle Simkins, Jr.  
John Eldredge Simpson  
Glennon Clyde Smith  
William Robert Smith  
Russell Edward Speake  
Ralph Allen Starner  
Kenneth John Steen  
Oliver Day Street 3d  
William Richard Stroud  
Harold Alva Terrell, Jr.  
James Edwin Thomas  
Elbert Satterlee Throckmorton  
John Royster Thurman 3d  
William Harry Trotter  
Richard Cabell Tuck  
Edwin Renalds Van Deusen  
Harley Eugene Venters  
John William Vester  
Josiah Ara Wallace, Jr.  
Donald Scott Watson  
Edwin Leo Weber, Jr.  
Robert Meniffee White, Jr.  
Richard Minter Wildrick

Robert Moody Williams  
Robert Trent Winfree, Jr.  
James Emmett Wirrick  
Harris Harold Woods  
Martin Fish Zorn

## COAST ARTILLERY CORPS

James Luke Andrews, Jr.  
Alvin Ash  
Shirley Sylvester Ashton, Jr.  
Richard Hamlin Bacon, Jr.  
William Theodore Bowley  
Lawson Duval Bramblett, Jr.  
John Joseph Byrne  
James Elbert Carter  
Frank Salvatore Caruso  
Elmo Eugene Cunningham  
Robert Samuel Daniel, Jr.  
Ralph Charles Davis, Jr.  
Horace Frederick Derrick  
Edward Charles Drinkwater, Jr.  
John William Dwyer 3d  
James Sewell Elliott  
Stanley Dale Fair  
Philip Anthony Farris 3d  
Jesse Albert Fields, Jr.  
Daniel Jarvis Finnegan  
John Charles Geary  
Meredith William Ghrist  
John William Gillespie, Jr.  
Jack Bain Hagel  
Jerome Vincent Halloran  
Preston Heacock Hibbard  
Daniel Webster Hickey 3d  
Thomas Vincent Hirschberg  
Howard Byron Hirschfield  
Harold Waldron Horne  
Lynn Wood Hoskins, Jr.  
Henry Laurance Ingham 2d  
James Homer Wallace Inskeep  
Edward William Jones  
Robert Vincent Kane  
Paul Aloysius Kelley  
Minor Lee Kelso  
William Joseph Kenney  
Stanley Jerome Love  
Robert Watt McCoy  
John Marberger  
Stephen Andrew Matejov  
Clarence Miles Mendenhall 3d  
Ralph Anthony Meola, Jr.  
Daniel Reardon Moriarty  
Francis Miller Palmatier  
Alexander James Papatones  
William Robert Parker  
Ernest Anthony Pepin  
Eugene Vincent Pfauth  
Thomas Edward Pfeifer  
Howard Ernst Pleuss  
George Jewel Porter  
Billy McCall Prestidge  
Thomas Gaetano Provenzano  
Del Patrick Rovis  
Richard Lincoln Ruble  
Robert Irwin Rush  
John Ambler Sadler  
Frank Carl Schoen  
Robert Xavier Sheffield  
Dudley Scott Stark, Jr.  
Robert Warren Storm  
Blucher Stanley Tharp, Jr.  
Raymond Edward Thayer  
Samuel Hartman Title  
Robert Thomas Wagner  
Prentice Earle Whitlock  
John Scholto Wieringa, Jr.  
Benjamin Bertram Williams

## INFANTRY

Don Walter Adair  
Lloyd Senter Adams, Jr.  
Donald Gould Albright  
Peter Gerald Arnold  
Robert Earl Arnold  
William Franklin Ashby  
Grover Woodrow Asmus  
George Raney Bailey, Jr.  
Francis Rene Baker  
William Henry Bamber  
Kendrick Broyles Barlow, Jr.  
David Eugene Barnett, Jr.  
John Curran Barrett, Jr.

John Edward Barth  
Paul Ingram Barthol  
Hale Baugh  
James Malcolm Becker  
Calvert Potter Benedict  
Harold Francis Bentz, Jr.  
Robert Hamilton Berry  
Donald Sternoff Beyer  
Frank Earl Blazey  
Corwin Boake, Jr.  
Clair LaVern Book  
Shepherd Allen Booth, Jr.  
Truman Everett Boudinot, Jr.  
Kyle Watson Bowie  
Benjamin Francis Boyd  
Robert Clements Bradley, Jr.  
Richard Anthony Bresnahan  
David Winthrop Brillhart  
Richard Wanless Brunson  
David Thompson Bryant  
Arthur Johnston Bugh  
Jack Thomas Cairns  
John William Callaghan  
Roy Cuno Calogeras  
Tom Clift Campbell  
Robert Harry Case  
Joseph Roy Castelli  
William Burns Castle  
Edward Joseph Cavanaugh  
Robert Albert Chabot  
Robert Irving Channon  
William Edward Chynoweth  
Carle Clarence Clifford, Jr.  
David Lapham Colaw  
James Edward Coleman  
Robert Reynolds Collier  
Edward Joseph Collins  
Joseph Easterbrook Collins  
Lester Mykel Conger  
Edward Joseph Conlin, Jr.  
Richard Lansing Conolly, Jr.  
William Thomas Cound  
Harry Griffith Cramer  
Pat William Crizer  
Willis Dodge Cronkrite, Jr.  
Edward Francis Crowley  
Anthony Angelo Cucolo, Jr.  
William Stephen Culpepper, Jr.  
Bert Alison David  
Corbin James Davis  
Samuel Preston Davis 3d  
Harold Graham de Moya  
Rolland Archibald Dessert  
Harold Thompson Dillon, Jr.  
Robert Sidney Douthitt  
Loren George DuBois  
Walter Arthur Dumas  
Robert Batten Dunham  
Earl S. Dye, Jr.  
James Carlisle Egan  
Paul Miller Ellman, Jr.  
Benjamin Crabbs Evans, Jr.  
Robert Nathan Evans  
Joe Wesley Finley  
Charles Alexander FitzGerald  
Edward Leo Flaherty, Jr.  
Herbert Hesselton Flather, Jr.  
Joe Bruton Flores  
Harry Arthur Floyd  
Samuel Ewing Hill France  
Phillip John Frank  
Walter Leslie Frankland, Jr.  
DeBow Freed  
Alvin Franklin Futrell  
Vincent DePaul Gannon, Jr.  
John Stuart Gayle  
Howard Anthony Glebel  
James Jay Gigante, Jr.  
Roy Wilfred Gillig  
Stephen Eugene Gray  
John Frederick Green  
Byron Dillingback Greene, Jr.  
James Morris Gridley  
Richard Louis Gruenther  
Alvan Cordell Hadley, Jr.  
Richard Edward Hale  
Milton Holmes Hamilton  
Warren Eastman Hearnese  
Stephen Garrett Henry, Jr.  
Robert Foster Hewett, Jr.  
John Gillespie Hill, Jr.

James Burtram Hobson  
John Alan Hoefling  
Kenneth Wendell Hughes  
Robert Stout Hughes  
James Samuel Hutchins  
Paul Mills Ireland, Jr.  
Robert Overton Isbell  
Albert Russell Ives, Jr.  
Peter Michael Jacula  
Sewall Harvey Emler Johnson  
John Thomas Jones  
Clarence Eugene Patrick Jordan, Jr.  
Albert Enzo Joy  
Warren Stanley Jungerheld  
William Joyce Kaliff  
Robert Edward Kaplan  
Kent Keehn  
William Raycroft Kelty, Jr.  
Clarence Wade Kingsbury  
Richard Martin Kinney  
Fred Walter Knight, Jr.  
Harlan Gustave Koch  
Edmond Alexander Kuna  
Harold Francis Lacouture  
James Von Kanel Ladd  
Andrew Wilton LaMar, Jr.  
Robert Jones Lamb, Jr.  
Benjamin Lester Landis, Jr.  
Wayne Emerson Lawson  
Albert Marshall Leavitt  
Theodore Julian Lepski  
Daniel Louis Levy, Jr.  
William Warner Lewis, Jr.  
Donald Richard Lynch, Jr.  
Alexander Robert McBirney  
James Hubert McBride  
Charles Francis McCarty  
Clarence Edison McChristian, Jr.  
Thomas Roderick McCormick  
James Madison McGarity  
Thomas Leonard McMinn, Jr.  
Malcolm Eldridge MacDonald  
Thomas Harold Mahan  
Earl Frederick Markle  
Walter Stanley Mattox  
Richard Henry Mealor  
Needham Phillips Mewborn  
John David Miley  
Jack Harrison Montague  
Robert Alexander Montgomery  
Raymond Turck Moore  
Jack Warren Morris  
Roy Joseph Mossy  
Morgan Joyce Murphy  
John William Nance  
Elmer Raymond Ochs  
Raymond Emerson Orth, Jr.  
Thomas Sawyer Owen  
Alexander PapaJohn  
Thomas Williams Pardue, Jr.  
Joseph Dodge Park  
Eleazar Parmly 4th  
Richard Arthur Patterson  
Robert Francis Patterson  
George Smith Patton 4th  
Arthur William Pence, Jr.  
David Merritt Peters  
Robert Hazen Phillips  
William Redfield Phillips  
Richard John Pitzer  
Frank William Porter, Jr.  
William Clinton Powers  
Robert Bradley Rheault  
Robert Tyler Richmond, Jr.  
Francis Albert Richter  
Joseph George Rioux  
Joseph Barnett Rogers  
Irving Granville Rouillard  
William Paul SacHarov  
Marshall Sanger  
John Edward Sauer  
Robert William Seaman  
Robert George Shackleton  
Leslie Neal Shade, Jr.  
Fields Early Shelton  
Robert Morin Shoemaker  
John Merwin Shultz  
George Silides  
Charles Maze Simpson 3d  
William Craton Screven Simpson  
Christopher Booth Sinclair, Jr.

Rollin White Skilton  
 Harry Clayton Smythe, Jr.  
 David Bartholomew Spellman  
 Elmer Gene Sprague  
 John Edward Stannard  
 Robert Lee Steele  
 Gale Edward Stockdale  
 Richard Leonard Stone  
 William Leete Stone 3d  
 Stratis John Stratis  
 Robert Tilghman Strudwick  
 Robert Kniley Swab  
 Leslie Eugene Thompson, Jr.  
 Lewis Burton Tixier  
 Allan Curtiss Torgerson  
 Frank Beckwith Tucker  
 Robert Busill Tully  
 John Emil Vaci  
 Edwin Sanders Van Deusen, Jr.  
 Robert Lawrence Walker  
 Sam Sims Walker  
 Paul Shelby Ward  
 Joe Holleman Warren, Jr.  
 Albert Dunbar Wedemeyer  
 James Clyde Welch, Jr.  
 Anthony Patrick Wesolowski  
 Charles Leroy Wesolowski  
 Percy Louis Wheeler  
 Robert Doyne Woodley White  
 William Jackson Whitener  
 John Day Whitmore  
 Jere Otis Whittington  
 Charles Gurley Williamson, Jr.  
 Minter Lowther Wilson, Jr.  
 Abraham Wolf  
 Allen Howland Wood 3d  
 William Heaton Young  
 Keith Burns Zimmermann

## QUARTERMASTER CORPS

Robert Wallace Allen  
 Calvin Lincoln Arnold  
 Charles Pitman Baker 3d  
 Edmund Keith Ball  
 William Randolph Bigler  
 William Clarence Bishop, Jr.  
 Rodney Alger Blyth  
 Henry Hermann Bolz, Jr.  
 Ruel Fox Burns, Jr.  
 Carshall Carter Carlisle, Jr.  
 Roland Stephen Catarinella  
 Jesse Joseph Cohen  
 John Peter Daneman  
 Robert Francis Dickson  
 Donald Warren Dreier  
 Ralph Louis Ellis  
 William Giffillan Gavin  
 Raymond Howard Glatthorn  
 Daniel Orrin Graham  
 Clifton Wellington Gray, Jr.  
 George Edward Hall, Jr.  
 Alexander Earl Halls  
 Alfred Carl Haussmann, Jr.  
 Bernard Janis  
 James Wiley Johnson  
 Richard Allan Johnson  
 John George Kamaras  
 Harrison Benson Kinney  
 Martin Al Kutler  
 Robert Alexander Land  
 Beryl Leve  
 Edward Francis McCue  
 John Calvin McWhorter, Jr.  
 Daniel Francis Mahony  
 Joseph Otto Meerbott, Jr.  
 Thornton Mitchell Milton  
 Theodore Giles Montague, Jr.  
 Oliver Moses 4th  
 John Miles O'Connor  
 Gordon Henry Oosting  
 Clifford Hutton Parke, Jr.  
 Roscoe Ellwood Patton  
 Bernard Allen Petrie  
 Reuben Pomerantz  
 Ephren Lloyd Powers  
 William Gibson Richards  
 Willis Ervin Schug, Jr.  
 John Morris Schuman, Jr.  
 William Thaden Seeber  
 Thomas Jefferson Stapleton

Keith Dennis Stidham  
 Robert Chase Toole  
 Harlan Winthrop Tucker  
 Richard Hugh Turner  
 Robert Theodore Upland  
 Norman Wahl, Jr.  
 Charles Aloysius Waters, Jr.  
 Norman Cooper Watkins  
 William Hayes Webb  
 Norman Emanuel Weiss

## CHEMICAL WARFARE SERVICE

Delbert Sylvester Barth  
 Richard Tunstall Blow 3d  
 Louis Owen Elsaesser  
 Rufus Sanders Garrett, Jr.  
 Clyde Bruce MacKenzie  
 Ralph Hugh Pennington  
 William George Simpson

## ORDNANCE DEPARTMENT

Thomas Jacob Agnor, Jr.  
 Brooke Albert  
 Wayne Stetson Anderson  
 Robert Edward Bassler, Jr.  
 Jerry Dixmer Bowman  
 Russell Raymond Boyd  
 Walter Francis Eanes  
 John Chambers Fischer  
 James Drummond Fitzgerald  
 William Carl Fuller  
 Benjamin Andrew Gay  
 John Robert Grace  
 William Charles Hall  
 Arthur Edward Hansen  
 Robert Johnson Hefferson  
 Benjamin Tullidge Hill, Jr.  
 James Karnes Hoey  
 Charles Maples Jaco, Jr.  
 Arthur William Jank  
 David Seffers Lane  
 John Randolph Mathias  
 Lawrence Miller  
 Rocco Anthony Petrone  
 Wade Hampton Pitts, Jr.  
 Raoul Jean Quantz  
 Maurice Serotta  
 Eugene Gibb Sharkoff  
 George Elmer Sheffer, Jr.  
 Samuel Charles Skemp, Jr.  
 Vernley Fred Thomas  
 Kenneth Cruikshank Van Auken  
 Richard Harding Walker  
 John William Wiss

## AIR CORPS

George Talmage Adams, Jr.  
 Ranald Trevor Adams, Jr.  
 Lew Allen, Jr.  
 Anderson Watkins Atkinson  
 William Denton Baisley  
 John Alan Barricklow  
 John Copeland Bartholf  
 Walter Donald Bauchman  
 Benjamin Neil Bellis  
 Myron Jefferson Benefield  
 John Linden Bennett  
 Truman Kent Berge, Jr.  
 Waldron Berry  
 Alan Homer Birdsall  
 Thomas David Blazina  
 Jack Lowman Bodie  
 Grayson Hunter Bowers, Jr.  
 David Denison Bradburn  
 Edward Joseph Brechwald  
 Charles William Brosius  
 William Wesley Brothers, Jr.  
 James Eugene Bruce  
 Charles Edward Buckingham  
 Robert Clarence Buckley  
 Richard Benton Burgess  
 Robert Oscar Burke  
 Walter Burnside, Jr.  
 Jerome Frederick Butler  
 Joseph Fred Buzhardt, Jr.  
 Laurence James Cahill, Jr.  
 Burton Gordon Cameron  
 James Thomas Carbine, Jr.  
 Richard Glenn Carnright  
 Edward Milton Carr  
 Johnny Rudd Castle

Kenneth Richard Chapman  
 James David Lloyd Chatfield  
 Everett Eugene Christensen  
 William Lafayette Clapp, Jr.  
 Robert Carey Clemenson  
 Philip Lee Clements, Jr.  
 Alexander Turner Cochran  
 Frank Ellsworth Cole  
 Martin Grimes Colladay  
 Louis Gregory Creveling  
 Evans Read Crowell, Jr.  
 Thomas Maldwyn Daye  
 Eugene Peyton Deatrck, Jr.  
 Clyde Roscoe Denniston, Jr.  
 Robert Lee Dobbs  
 John Francis Donahue  
 John Prescott Doolittle  
 George Stanton Dorman  
 Robert Nathaniel Dosh, Jr.  
 Frank Adair Doyle  
 Richard Lloyd Dresser  
 Lloyd Leslie Dunlap, Jr.  
 Robert John Eichenberg  
 William John Evans  
 Robert Lee Eyman  
 Max Milton Feibelman  
 Salvador Enrique Felices  
 Harold Paul Fox, Jr.  
 Philip Henry Fryberger  
 James Bjarne Furuholmen  
 Richard Russell Galt  
 Wilfred Everett Gassett  
 Hobart Raymond Gay, Jr.  
 Thomas Gibbs Gee  
 Lawrence Norman Gordon  
 Mose William Gordon, Jr.  
 Robert Thomas Gorman  
 Jesse Edwards Green  
 William Aiken Griffin  
 Donald Ingram Hackney  
 Frederick LeRoy Hafer  
 Frank Stevens Hagan  
 Guy Edward Hairston, Jr.  
 Francis Frazee Hamilton  
 Gilbert Stewart Harper, Jr.  
 Edgar Starr Harris, Jr.  
 William Martin Harton, Jr.  
 Charles Judd Hauenstein  
 Harrison Howell Dodge Heiberg, Jr.  
 James Edwin Hildebrandt  
 Steve Edward Hilovsky  
 George Walter Hirsch, Jr.  
 Herbert Ziegler Hopkins, Jr.  
 Philip Bird Hopkins, Jr.  
 Clarence Frost Horton, Jr.  
 Roy Ritter Hudspeth  
 James Donald Hughes  
 Senour Hunt  
 James Patrick Hurley  
 Merl Galbreath Hutto  
 John Carl Ingram  
 Benjamin Elliott Ivie, Jr.  
 Jack Wallace Jackson  
 William Henry Jenkins  
 Ernest Deloy Jernigan, Jr.  
 Gerald Marshall Jones  
 Richard Allan Kellogg  
 Benjamin Wall Kernan  
 Jack Quentin Kimball  
 Harry Russell Knight  
 Alden Davis Korn  
 William Welcome LaMar  
 Richard Earl Lamp  
 Thomas Corbett Langstaff  
 Cecil Carlyle Larson  
 Gene Kenyon Lawson  
 Edward Adams Lembeck 2d  
 Roger Horace Lengnick  
 Frank Gibson Lester  
 Harrison Lobdell, Jr.  
 Lewis Benjamin Castle Logan  
 Edmond Charles Longarini  
 Robert Mason Lowry, Jr.  
 Donald Alfred Lundholm  
 Joe Fenton Lusk  
 Walter Alfred Lyman  
 Malcolm Means MacWilliams  
 Edward E. Fred Majeroni  
 John Alexander Martin  
 William Henderson Mason

Benjamin Ransom McBride  
 Andrew Alexander McCoy, Jr.  
 Robert Hugh McDougal  
 John Donald McGregor  
 William Irving McKay  
 Joseph Tomlinson McKinney  
 Cornelius McMillan, Jr.  
 Harry John McPhee, Jr.  
 Eugene Emil Melo  
 Charles Gustavus Memminger  
 Donald Morgan Messmore, Jr.  
 James Robert Miller  
 E. Scott Minnich  
 John Max Minor  
 John Eugene Molchan  
 Arthur Raymond Moore, Jr.  
 John Neil Munkres  
 Jerome Fredrick Naleid  
 George Joseph Nelson  
 Albert Michael Nemetz  
 Richard Gordon Newell  
 David Arnold Newman  
 Paul Maxfield Norris  
 Charles Henry Parsons 2d  
 James Ernest Paschall  
 Gilbert Everett Perry, Jr.  
 John Emmett Pitts, Jr.  
 David Heber Plank  
 Bryce Poe 2d  
 Wesley Wentz Posvar  
 Earl Francis Poytress  
 Ernest Willet Prevost  
 Paul Joseph Quinn  
 Marvin Chapman Reed  
 William Preston Reed  
 Marion Rich Richards  
 John Alfred Riedel, Jr.  
 Harry H. Roddenberry, Jr.  
 William Rogers Roney  
 Fred Brinson Rountree  
 Charles Ruggiero, Jr.  
 Phillip Riviere Safford  
 John Jacob Schmitt, Jr.  
 Reginald Oras Shaw  
 Hamilton Bruce Shawe, Jr.  
 Milton Sherman  
 Thaddeus Stephen Skladzien  
 George Michael Sliney  
 Sam Hugh Smith  
 George Robert Stallings  
 John Robert Steele, Jr.  
 Hubert Sheldon Stees, Jr.  
 Robert Hogan Stephenson  
 Donald Warner Stewart, Jr.  
 Robert Benfred Stewart  
 Bailey Toland Strain  
 Elbert Madison Stringer  
 William Francis Studer  
 Kenneth Lee Tallman  
 William Alan Temple  
 Robert Webb Tribolet  
 John Louis Umlauf  
 Earl Rosenquist VanSickle  
 Robert Rodney Waggener  
 Robert Arthur Walsh  
 Richard George Walterhouse  
 Robert Earl Wayne  
 Marvin Octavius Weber, Jr.  
 Stanford Alden Welch  
 Emory Robert Wells  
 Allen Albert Wheat  
 Richard Taylor White  
 Raymond Palmer Whitfield, Jr.  
 Charles Orion Wiedman  
 Arthur Burt Wilcox, Jr.  
 Harold Williams, Jr.  
 Henry Kirk Williams 3d  
 Marshall McDairmid Williams 3d  
 Donald Wilson, Jr.  
 Robert Seedorf Wilson  
 William Price Withers, Jr.  
 Alwyn Lofton Woods, Jr.  
 Robert Kenneth Wright  
 William Marion Wright  
 William Burbridge Yancey, Jr.  
 Wayne Allen Yeoman  
 Theodore George Zeh, Jr.

The following-named cadet, United States Military Academy, who is scheduled for graduation on June 5, 1946, for appointment in the Regular Army of the United States:

To be second lieutenant, with rank from  
 June 5, 1946

COAST ARTILLERY CORPS

Roland Arthur Kline

CONFIRMATIONS

Executive nominations confirmed by the Senate May 21 (legislative day of March 5), 1946:

UNITED STATES DISTRICT JUDGE

John W. Murphy to be United States district judge for the middle district of Pennsylvania.

UNITED STATES ATTORNEY

James T. Gooch to be United States attorney for the eastern district of Arkansas.

IN THE ARMY

APPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES

To be second lieutenants in the Regular Army

(NOTE.—A full list of the persons whose nominations to be second lieutenants in the Regular Army were today confirmed, appear in the Senate proceedings of the CONGRESSIONAL RECORD for today, under the caption "Nominations," beginning on p. 5362.)

WITHDRAWAL

Executive nomination withdrawn from the Senate May 21 (legislative day of March 5), 1946:

JUDGE, UNITED STATES CIRCUIT COURT OF APPEALS

Harry E. Kalodner to be judge of the United States Circuit Court of Appeals for the Third Circuit. (New position.)

## HOUSE OF REPRESENTATIVES

TUESDAY, MAY 21, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord God, blessed be Thy holy name. Lead us to dedicate ourselves anew to the ministry to which Thou hast called us. Bestow upon us whatsoever Thou seest we need, and be pleased to prepare us to receive the good Thou givest.

Do Thou enable us to realize that life without a beyond is darkness, that understanding without works is vain, and works without brotherly love are empty. O Divine One, we would remember those in the bonds of hunger and need, for it is more blessed to feed the hungry than to be filled. O save us from the evil ways which are the fruits of luxury and excesses and give to us Thine own sweet peace.

"For life is the mirror of king and slave,  
 'Tis just what we are, and do;

Then give to the world the best you have,  
 And the best will come back to you."

O God, we pray that we may love mercy, deal justly, and do unto others as we would have them do unto us. In the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## NIAGARA FALLS BRIDGE COMMISSION

Mr. ANDREWS of New York. Mr. Speaker, with the approval of the majority and minority leaders and the chairman of the House Committee on Foreign Affairs, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 340) to amend the joint resolution creating the Niagara Falls Bridge Commission.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. RANKIN. Mr. Speaker, reserving the right to object, will the gentleman explain the resolution?

Mr. ANDREWS of New York. The Niagara Falls Bridge Commission operates under public authority the Rainbow Bridge at Niagara Falls, which is an international bridge from Niagara Falls, N. Y., to Niagara Falls, Ontario. It is governed by eight men, four appointed by the Governor of the State, and four appointed by the Canadian Government. At the outset they issued bonds in the amount of \$4,000,000 at 4¼ percent just prior to the beginning of the World War. Due to the immigration restrictions, tire and gasoline rationing, the difficulty in passports, and so forth, there was little traffic over the bridge during the war period, with the result that the Commission was obliged to default on the interest on its bonds. This merely allows the Commission to reissue refundable, taxable bonds in the amount of \$4,500,000 at 2¾ percent, paying up the interest on the old bonds and putting its financial house in order.

Mr. RANKIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There being no objection, the Clerk read the joint resolution, as follows:

*Resolved, etc.,* That section 4 of Public Resolution 117, Seventy-fifth Congress, as amended, is amended by adding after the third sentence thereof the following:

"Whenever it shall determine that it will be to its financial advantage so to do, the Commission may issue refunding bonds, in accordance with the provisions of this section, in such amount as will, at the price paid therefor, provide funds sufficient to pay and retire any outstanding bonds of the Commission, at or prior to the maturity thereof, if the same be, by their terms or by any other instrument or agreement, subject to prior redemption, together with any matured or accrued interest thereon."

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## EXEMPTING CERTAIN VESSELS FROM FILING PASSENGER LISTS

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6148) to exempt certain vessels from filing passenger lists.

The Clerk read the title of the bill.